

FINAL

Revised PM₁₀ State Implementation Plan for the Salt River Area

Attachments



**AIR QUALITY DIVISION
ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

September 2005

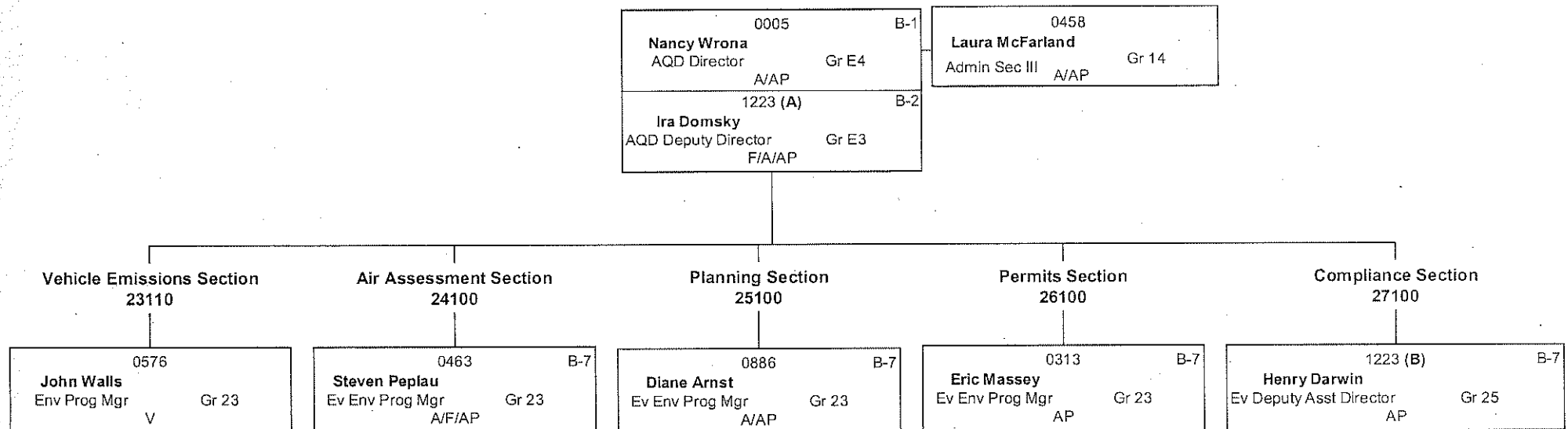
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Attachment 1

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ORGANIZATIONAL CHARTS

Arizona Department of Environmental Quality
Air Quality Division

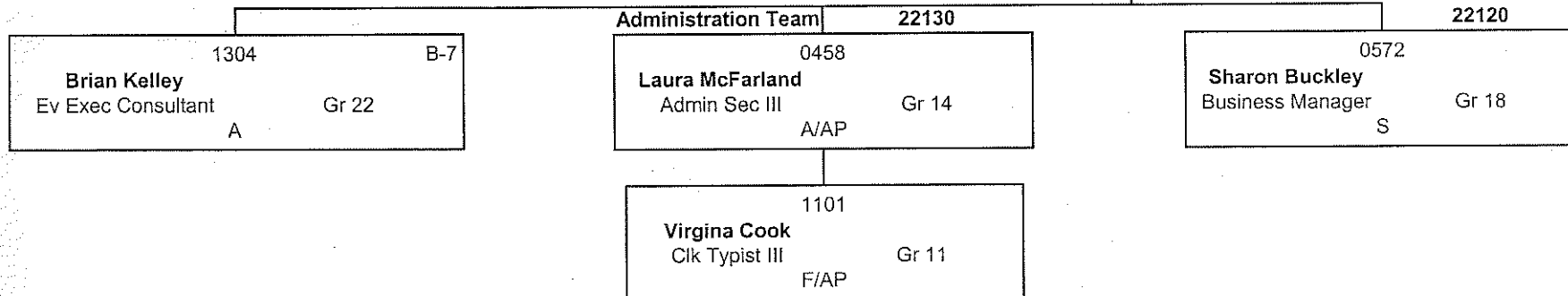
**AQD Director's Office
21100**



Arizona Department of Environmental Quality
Air Quality Division

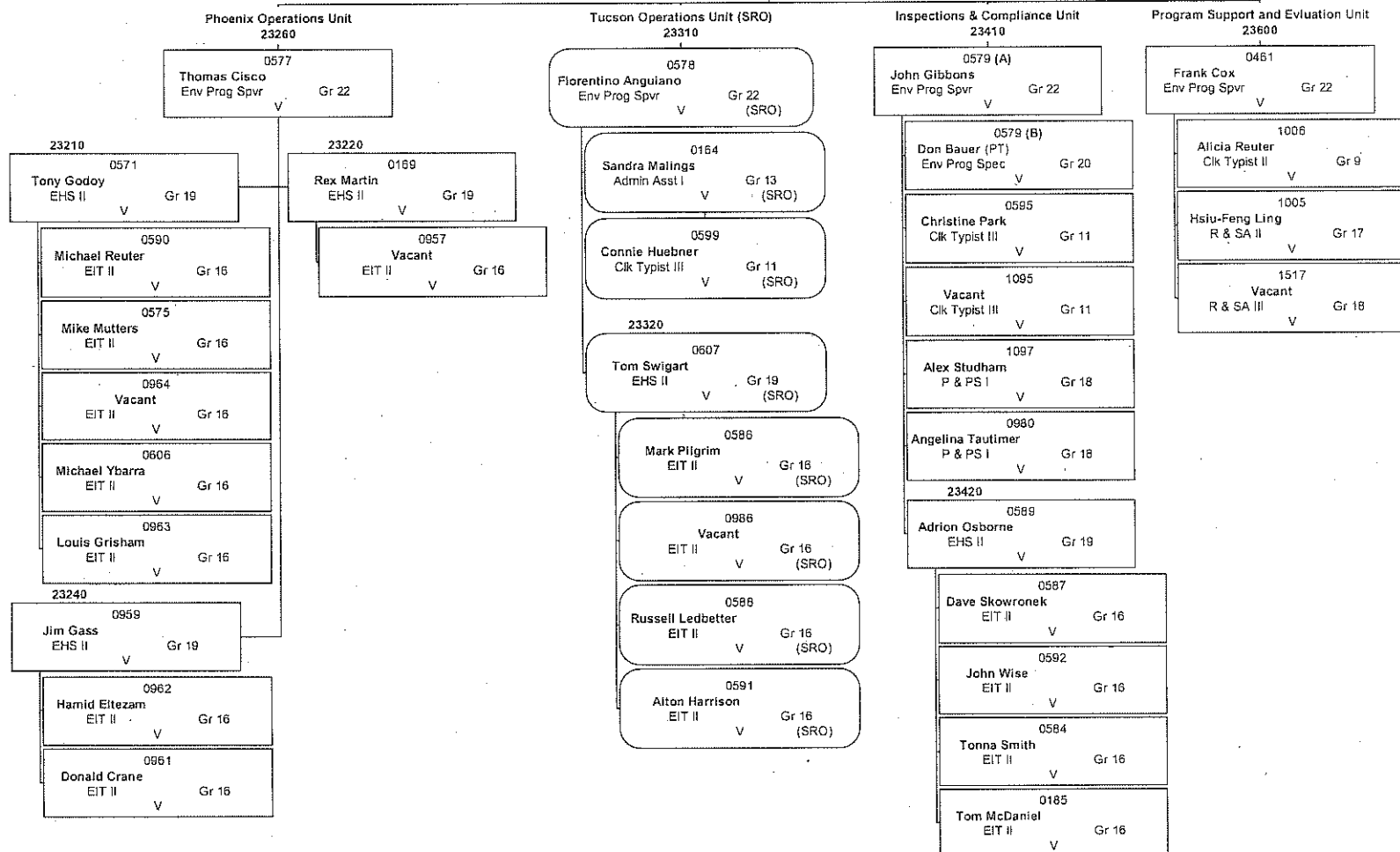
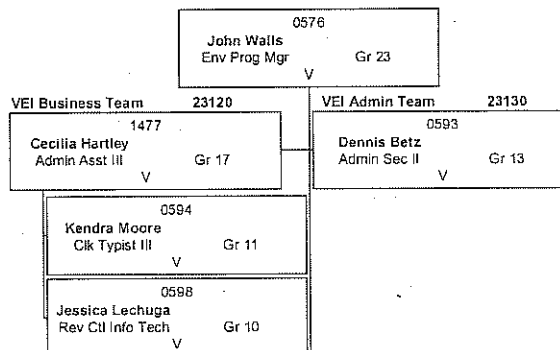
**AQD Deputy Director
22110**

| | |
|---|-------|
| 1223 | B-2 |
| Ira Domsy AQD Deputy Director F/A/AP | Gr E3 |

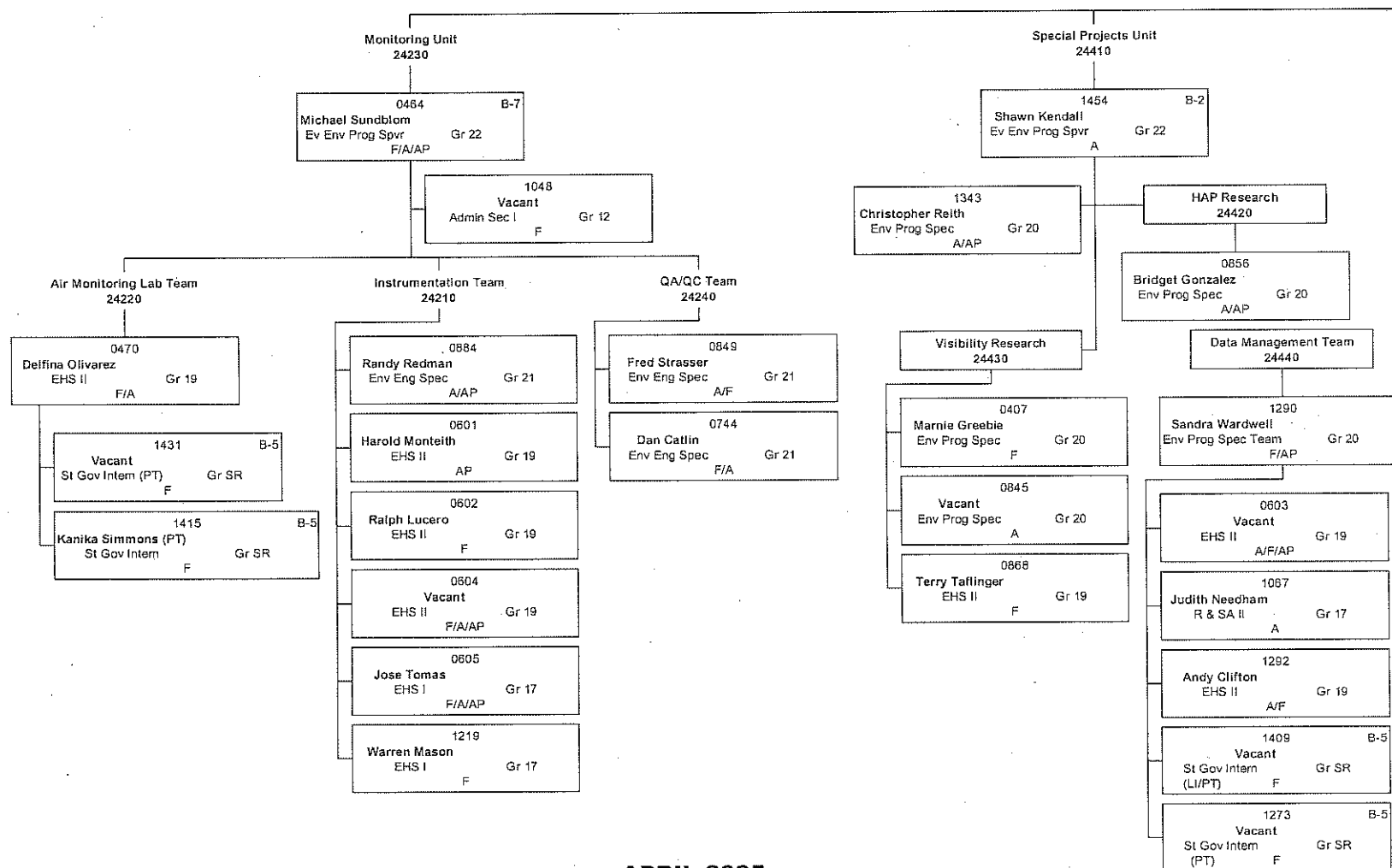


**Arizona Department of Environmental Quality
Air Quality Division**

**Vehicle Emission Section
23110**



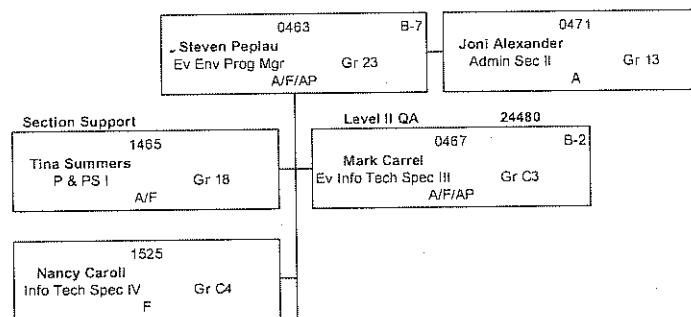
Arizona Department of Environmental Quality
Air Quality Division
Air Assessment Section



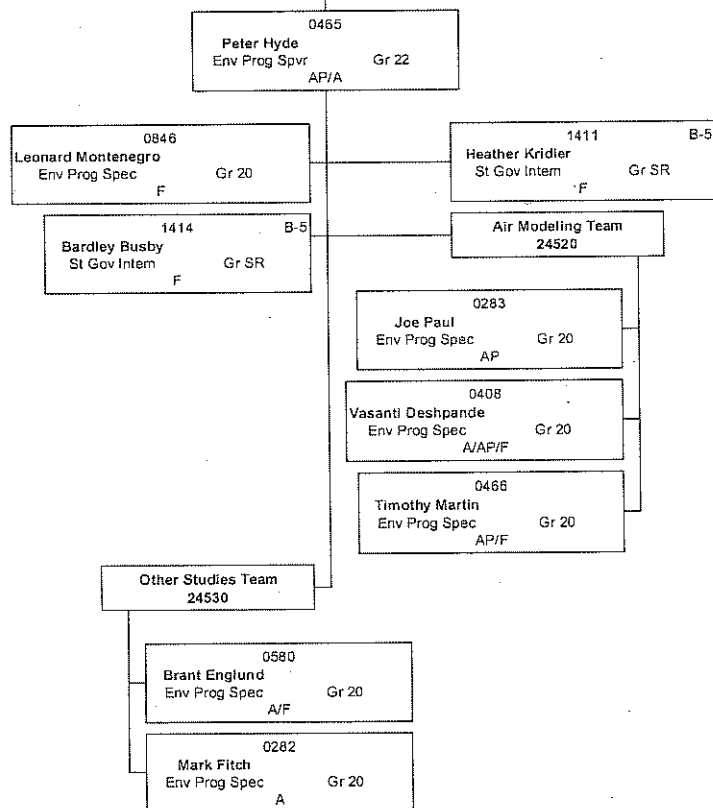
APRIL 2005

Arizona Department of Environmental Quality
Air Quality Division
Air Assessment Section

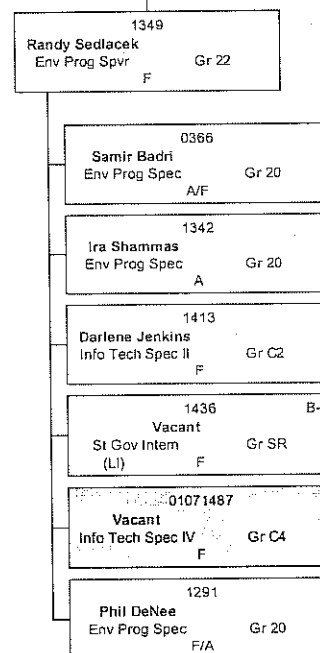
24100



**Evaluation Unit
24510**



**Special Applications Unit
24610**



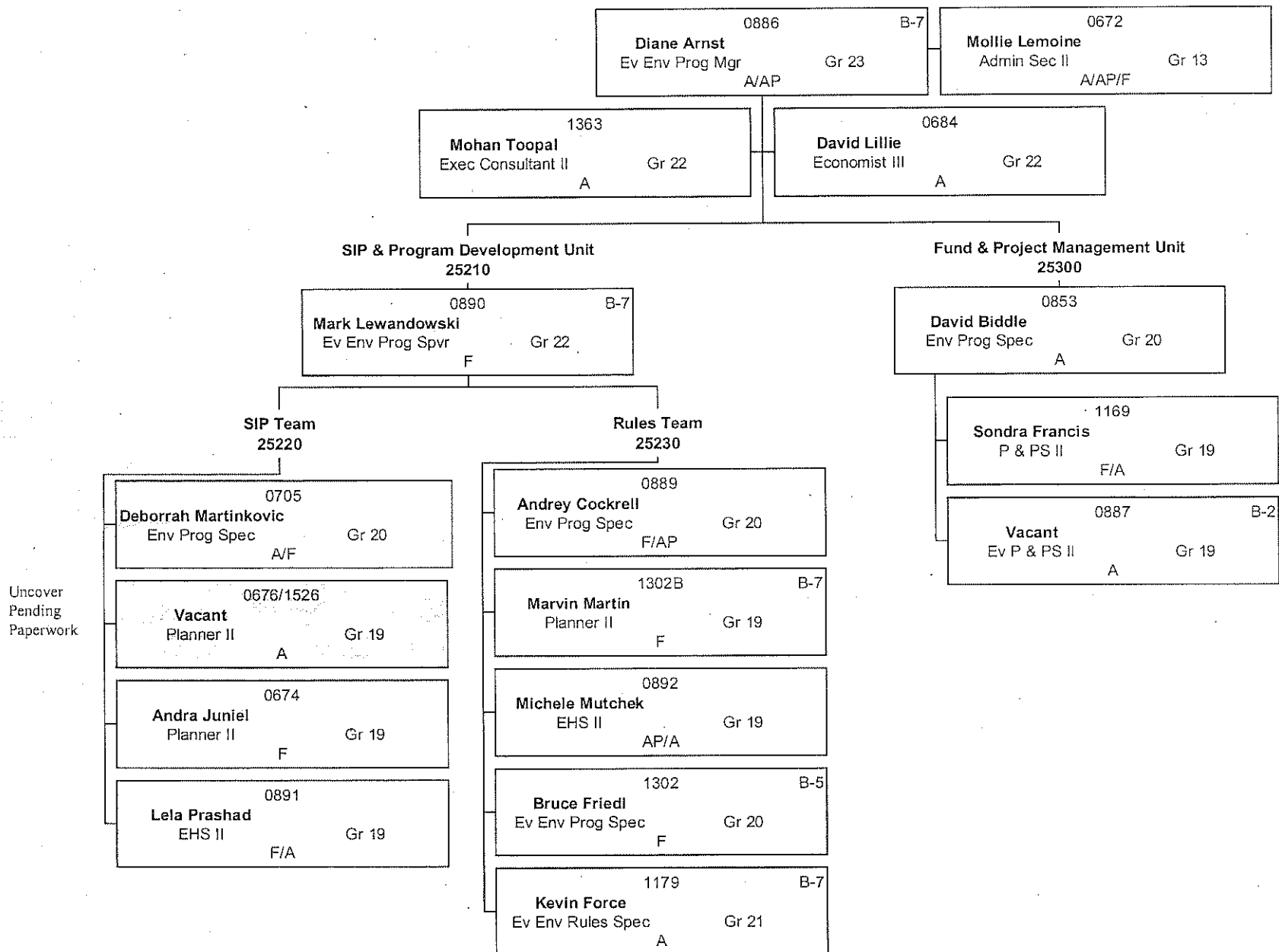
PENDING RECLASS

MARCH 2005

April 2005

Arizona Department of Environmental Quality Air Quality Division

Planning Section 25100



Arizona Department of Environmental Quality Air Quality Division

Permits Section 26100

| | |
|--------------------|-------|
| 0313 | B-7 |
| Eric Massey | |
| Ev Env Prog Mgr | |
| AP | Gr 23 |

Section Support

| | |
|---------------|-------|
| 0935 | |
| Vacant | |
| Admin Asst I | |
| AP | Gr 13 |

| | |
|-------------------------|-------|
| 0936 | |
| Shirley Gaertner | |
| R & SA II | |
| AP | Gr 17 |

New Source Unit 26510

| | |
|------------------------|-------|
| 0611 | B-7 |
| Trevor Baggiore | |
| Ev Env Prog Spvr | |
| AP | Gr 22 |

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|----------------------|-------|
| 0620 | |
| Sylvia Nelson | |
| Admin Sec I | |
| AP | Gr 12 |

Existing Source & General Permit Unit 26610

| | |
|----------------------------|-------|
| 0928 | B-7 |
| Balaji Vaidyanathan | |
| Ev Env Prog Spvr | |
| AP | Gr 22 |

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|------------------------|-------|
| 0621 | |
| Priscilla Begay | |
| Admin Sec I | |
| AP | Gr 12 |

New Source Review Team 26520

| | |
|---------------------|-------|
| 0619 | |
| Paul Babonis | |
| Env Eng Spec | |
| AP | Gr 21 |

| | |
|---------------------------|-------|
| 0743 | |
| Naveen Savarirayan | |
| Env Eng Spec | |
| AP | Gr 21 |

| | |
|----------------------------|-------|
| 0616 | |
| Irene Barry-Bonadio | |
| Env Eng Spec | |
| AP | Gr 21 |

| | |
|------------------------|-------|
| 0897 | |
| Smita Nagubandi | |
| Env Eng Spec | |
| AP | Gr 21 |

| | |
|---------------------|-------|
| 0927 | |
| Francis Udoh | |
| Env Eng Spec | |
| AP | Gr 21 |

| | |
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| 0896 | |
| Mark Hajduk | |
| Env Eng Spec | |
| AP | Gr 21 |

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| 1063 | |
| Vacant | |
| Env Eng Spec | |
| AP | Gr 21 |

Existing Source & General Permit Team 26620

| | |
|------------------|-------|
| 0898 | |
| Amy Young | |
| Env Eng Spec | |
| AP | Gr 21 |

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|--------------------|-------|
| 0899 | |
| Imran Bajwa | |
| Env Eng Spec | |
| AP | Gr 21 |

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|------------------------|-------|
| 0617 | |
| Pavinder Tandon | |
| Env Eng Spec | |
| AP | Gr 21 |

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| 0618 | |
| Zigang Fang | |
| Env Eng Spec | |
| AP | Gr 21 |

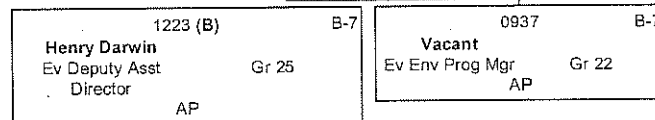
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| 0614 | |
| Lorna Lynum | |
| Env Eng Spec | |
| AP | Gr 21 |

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| 0894 | |
| Vivek Kapur | |
| Env Eng Spec | |
| AP | Gr 21 |

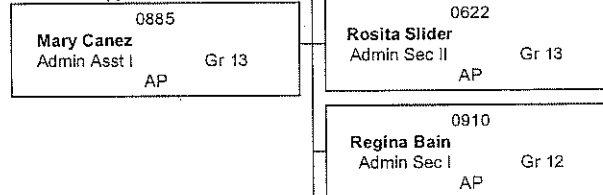
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| 1065 | |
| Scott Baggiore | |
| Env Eng Spec | |
| AP | Gr 21 |

**Arizona Department of Environmental Quality
Air Quality Division**

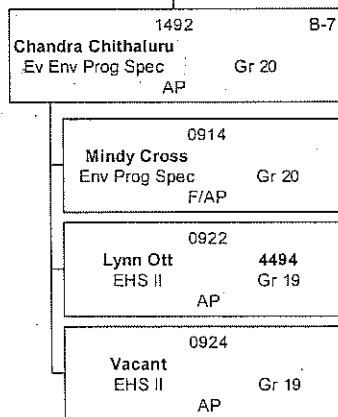
**Compliance Section
27100**



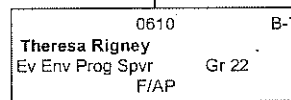
Section Support



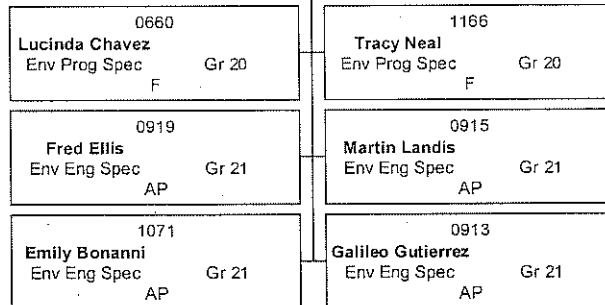
**Enforcement Unit
27410**



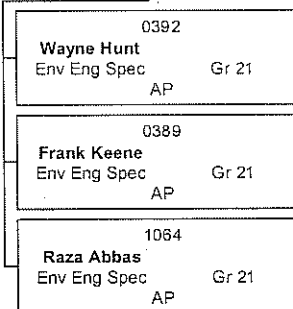
**Inspections & Field Services Unit
27210**



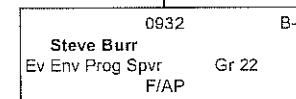
**CRO Inspection Team
27220**



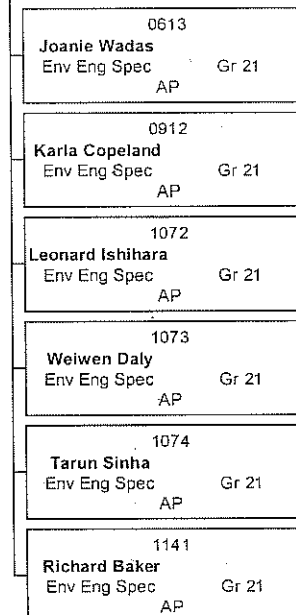
**Performance/Test CEM Team
27250**



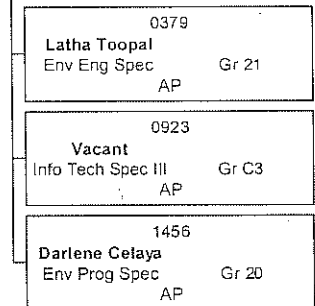
**Technical Services Unit
27310**



**Technical Review Team
27320**



**Information Management Team
27330**



Arizona Department of Environmental Quality Southern Regional Office

51100

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|---|-----|
| 0006 | B-1 |
| David Esposito Assistant Director Southern Region | |
| Gr E3 | |

Administration Support

| | |
|---------------------------------|-------|
| 0931 | Gr 17 |
| Barbara Smith Admin Asst III | |
| S/W | |

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| 1207 | B-7 |
| Michael Fulton Director of Operations | |
| Gr 22 | |
| W/F | |

Field Service Unit

| | | | |
|---------------------------------------|-------|-----------------------|-----|
| La Paz / Mohave / Yuma | | 51100 | B-7 |
| 0410 | Gr 22 | | |
| Charlene Fernandez Ev Comm Liaison | | | |
| S | | | |
| Cochise / Graham | | Greenlee / Santa Cruz | |
| 0798 | Gr 22 | B-7 | |
| Susan Jo Keith Ev Comm Liaison | | | |
| S | | | |

**Border Programs Unit
52100**

| | |
|---|-----|
| 1439 | B-7 |
| Placido dos Santos Ev Border Env Mgr | |
| Gr 23 | |
| S/F | |

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|---------------------------------------|-----|
| 1429 | B-5 |
| James Tinney Ev Exec Consultant II | |
| Gr 22 | |
| F | |

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|----------------------------------|-----|
| 0344 | B-7 |
| Edna Mendoza Ev Env Prog Spec | |
| Gr 20 | |
| F | |

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|---|-----|
| 1452 | B-5 |
| Gerardo Mayoral-Pena Ev Env Prog Spec (LI) | |
| Gr 20 | |
| F | |

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|--|-------|
| 1434 | Gr 20 |
| Michele Kimpel-Guzman Env Prog Spec | |
| F | |

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|---|-------|
| 1437 | Gr 20 |
| Gerardo Monroy-Herrera Env Prog Spec | |
| F | |

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|---|-----|
| 1440 | B-5 |
| Jose Rodriguez-Olivera St Gov Intem (LI) | |
| Gr SR | |
| F | |

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| 1442 | B-5 |
| Vacant St Gov Intem (LI) | |
| Gr SR | |
| F | |

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| 1508 | B-5 |
| Hans Huth Ev Hydro IV (LI) | |
| Gr 23 | |
| F | |

**Superfund Unit
53100**

| | |
|-----------------------------|-------|
| 1337 | Gr 13 |
| Lorena Ruiz Admin Asst I | |
| S/W | |

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| 0734 | Gr 21 |
| Vacant Hydro III | |
| Unfunded | |

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|-----------------------------------|-----|
| 0235 | B-7 |
| Matthew Doolen Ev Env Eng Spec | |
| Gr 21 | |
| W | |

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| 1299 | B-7 |
| William Ellett Ev Env Eng Spec | |
| Gr 21 | |
| F | |

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| 1206 | Gr 21 |
| Gretchen Wagenseller Env Eng Spec | |
| W | |

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| 1211 | B-2 |
| Eileen Patese Ev Cmty Info Ofc I | |
| Gr 20 | |
| W | |

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|-------------------------------------|-----|
| 1359 | B-2 |
| Melissa Hayes Ev Cmty Info Ofc I | |
| Gr 20 | |
| W | |

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|-----------------------------------|-----|
| 0984 | B-2 |
| Todd Perry Ev Emrg Rsp Spec II | |
| Gr 20 | |
| W/F | |

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|-----------------------------|-------|
| 1447 | Gr 20 |
| Lori Ehman Env Prog Spec | |
| W | |

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| 0135 | Gr 23 |
| Craig Kafura Hydro IV | |
| F/W | |

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| 1120 | B-7 |
| Vacant Ev Env Eng Spec | |
| Gr 21 | |
| W/F | |

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| 1225 | Gr 21 |
| Vacant Hydro III | |
| S | |

**Compliance Programs Unit
54110**

| | |
|----------------------------------|-----|
| 0371 | B-7 |
| Martia McCarthy Ev Compliance | |
| Gr 23 | |
| Regional Mgr - PE | |
| S | |

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|---|-----|
| 1145 | B-2 |
| Maria Ruvalcaba-James Ev Admin Asst II | |
| Gr 15 | |
| S | |

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|------------------------------|-------|
| 0372 | Gr 22 |
| John Eyre Ev Env Eng - PE | |
| S | |

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|------------------------------------|-----|
| 0435 | B-7 |
| Linda Mariner Ev Comm Asst Spec | |
| Gr 20 | |
| S | |

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|-----------------------------------|-------|
| 0377 | Gr 21 |
| Stephen Devereaux Env Eng Spec | |
| S | |

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| 0382 | Gr 21 |
| Beverley Hester Env Eng Spec | |
| S/WOFF | |

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| 0538 | Gr 21 |
| Lin Lawson Hydro III | |
| S | |

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| 0189 | Gr 23 |
| Robert Wallin Hydro IV | |
| F | |

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| 1351 | Gr 19 |
| Vacant Hydro II | |
| F | |

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| Air Quality Compliance Team | | 54120 |
| 0609 | B-7 | |
| Richmond Franklin Ev Env Prog Spvr - PE | | |
| Gr 22 | | |
| S | | |

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|-----------------------------|-------|
| 0588 | Gr 12 |
| Gloria Munoz Admin Sec I | |
| S/W | |

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| 0921 | Gr 21 |
| Jon Marting Env Eng Spec | |
| AP | |

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|---------------------------------|-------|
| 0989 | Gr 21 |
| Larry Bogdanski Env Eng Spec | |
| S/F | |

Attachment 2

PUBLIC HEARING DOCUMENTATION



Public Notice

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC HEARING
ON ARIZONA'S REGIONAL HAZE STATE IMPLEMENTATION PLAN

On July 2, 2002, EPA found Arizona's State Implementation Plan (SIP), for the Metropolitan Phoenix Serious Nonattainment Area for coarse particulate matter air pollution (PM₁₀), inadequate to attain the federal 24-hour PM₁₀ standard at the Salt River PM₁₀ monitoring site, due to continued exceedances of the standard in that area (67 FR 44369, effective August 1, 2002). The Arizona Department of Environmental Quality (ADEQ) submitted a SIP revision addressing the control of PM₁₀ in the Salt River area on August 2004, in compliance with EPA's SIP submission deadline. The purpose of this public hearing is to receive comments on the additional details of the effectiveness of control measures and final Maricopa County Rules that were committed to in the SIP revision submitted to EPA in August 2004.

A public hearing will be held on the proposed SIP revision on Monday, July 25 2005, at 4:00 p.m., at ADEQ, 1110 West Washington Street, Phoenix, Arizona 85007, in conference room 250. All interested parties will be given an opportunity at the hearings to submit relevant comments, data, and views - orally, and in writing. Written comments must be received at ADEQ by close of the public hearing on Monday, July 25, 2005. ADEQ anticipates completion of the final SIP by July 29, 2005 and submittal to EPA on August 1, 2005.

A sign language interpreter, alternative form materials, or assistive listening devices will be made available upon request with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Request should be made to 602-771-2373 or 602-771-2373.

All written comments should be addressed, faxed, or e-mailed to:

A. "Bonnie" Cockrell
Air Quality Planning Section
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007
FAX: (602) 771-2366
E-Mail: Cockrell.Andrey@adeq.gov

Copies of the proposal are available for review beginning Friday, June 24, 2005, at the following locations:

Arizona Department of Environmental Quality Library
First Floor – Records Center
1110 W. Washington Street
Phoenix, AZ 85007
Lorraine Cona, (602) 771-2217; 771-4389 (fax)

The proposed SIP is also available at ADEQ Web page for Salt River PM₁₀ State Implementation Plan Revision at <http://www.azdeq.gov/environ/air/plan/pm10.html>



Fax Cover Sheet

Date: August 1, 2005 **Total Pages:** 1
To: Salt River SIP Stakeholders
Phone: Variable **Fax:** Variable
From: Nancy Wrona, Director; Air Quality Division
Phone: (602) 771-2378 **Fax:** (602) 771-2366
(A. "Bonnie" Cockrell)
Re: Follow up to Publish Notice of Public Hearing

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC HEARING

ON THE PROPOSED PM₁₀ STATE IMPLEMENTATION PLAN FOR THE SALT RIVER AREA

On July 2, 2002, EPA found Arizona's State Implementation Plan (SIP), for the Metropolitan Phoenix Serious Nonattainment Area for coarse particulate matter air pollution (PM₁₀), inadequate to attain the federal 24-hour PM₁₀ standard at the Salt River PM₁₀ monitoring site, due to continued exceedances of the standard in that area (67 FR 44369, effective August 1, 2002). The Arizona Department of Environmental Quality (ADEQ) submitted a SIP revision addressing the control of PM₁₀ in the Salt River area on August 2004, in compliance with EPA's SIP submission deadline. The purpose of this public hearing is to receive comments on the additional details of the effectiveness of control measures and final Maricopa County Rules that were committed to in the SIP revision submitted to EPA in August 2004.

A public hearing will be held on the proposed SIP revision on **Wednesday, August 17, 2005**, at 4:00 p.m., at ADEQ, 1110 West Washington Street, Phoenix, Arizona 85007, in conference room 250. All interested parties will be given an opportunity at the hearings to submit relevant comments, data, and views - orally, and in writing. Written comments must be received at ADEQ by close of the public hearing on Wednesday, August 17, 2005. ADEQ anticipates completion of the final SIP by August 26, 2005 and submittal to EPA on August 29, 2005.

A sign language interpreter, alternative form materials, or assistive listening devices will be made available upon request with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Request should be made to 602-771-2373 or 602-771-2373.

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A. "Bonnie" Cockrell
Air Quality Planning Section
FAX: (602) 771-2366
E-Mail: cockrell.andrey@azdeq.gov

Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

This facsimile may contain confidential information intended solely for the individual(s) named above. If the reader of this message is not the addressee named above or an agent responsible for delivering it to the named addressee, you are hereby notified that you have received this document in error and any distribution, dissemination, or copying of this document is prohibited. Please notify the sender immediately by telephone.

**ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY
PUBLIC HEARING
ON THE PROPOSED PM10
STATE IMPLEMENTATION
PLAN FOR THE SALT RIVER
AREA**

On July 2, 2002, EPA found Arizona's State Implementation Plan (SIP) for the Metropolitan Phoenix Serious Nonattainment Area for coarse particulate matter air pollution (PM10), inadequate to attain the federal 24-hour PM10 standard at the Salt River PM10 monitoring site, due to continued exceedances of the standard in that area (67 FR 44369, effective August 1, 2002). The Arizona Department of Environmental Quality (ADEQ) submitted a SIP revision addressing the control of PM10 in the Salt River area on August 2004, in compliance with EPA's SIP submission deadline. The purpose of this public hearing is to receive comments on the additional details of the effectiveness of control measures and final Maricopa County Rules that were committed to in the SIP revision submitted to EPA in August 2004.

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Phoenix, AZ 85007
Lorraine Cona, (602) 771-2217;
771-4389 (fax)

The proposed SIP is also available at ADEQ Web page for Salt River PM10 State Implementation Plan Revision at: <http://www.azdeq.gov/envir/air/plan/pm10.html>
05457-july 14, 2005

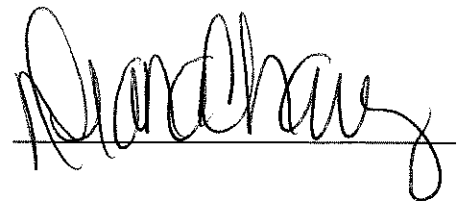
THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

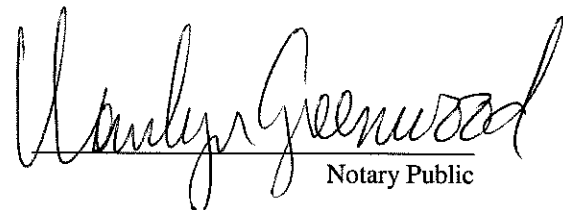
Diana Chavez, being first duly sworn, upon oath deposes and says: That she is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

July 14, 2005



Sworn to before me this
14TH day of
July A.D. 2005

Notary Public



Public Notice

Tribu

Legal Advertising
120 W. First Avenue Mesa, AZ
Phone (480) 898-6470, Fax (480) 898-6471
Affidavit of Publication

Account Number: 5741562

P.O. Number: PUBLIC NOTICE – SIP REVISION

Invoice Number: 301162

Price: \$ 177.02

STATE OF ARIZONA
County of Maricopa

I, Sharon Grzyb, Legal Representative, acknowledge that the attached advertisement was published in a newspaper of general circulation. The dates of the publication are as follows: JULY 14, 2005

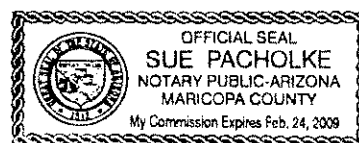
The Tribune (East Valley & Scottsdale Editions)


Sharon Grzyb, Legal Representative

STATE OF ARIZONA
COUNTY OF MARICOPA

On JULY 14, 2005, Sharon Grzyb personally appeared before me, whom I know personally to be the person who signed the above document and he/she proved he/she signed it


NOTARY PUBLIC



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY PUBLIC HEARING ON THE PROPOSED PM₁₀ STATE IMPLEMENTATION PLAN FOR THE SALT RIVER AREA

On July 2, 2002, EPA found Arizona's State Implementation Plan (SIP), for the Metropolitan Phoenix Serious Nonattainment Area for coarse particulate matter air pollution (PM₁₀), inadequate to attain the federal 24-hour PM₁₀ standard at the Salt River PM₁₀ monitoring site, due to continued exceedances of the standard in that area (67 FR 44369, effective August 1, 2002). The Arizona Department of Environmental Quality (ADEQ) submitted a SIP revision addressing the control of PM₁₀ in the Salt River area on August 2004, in compliance with EPA's SIP submission deadline. The purpose of this public hearing is to receive comments on the additional details of the effectiveness of control measures and final Maricopa County Rules that were committed to in the SIP revision submitted to EPA in August 2004.

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E-Mail: Cockrell.Andrey@adeq.gov

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July 14, 2005/301162

AUG 2 '05 PM 4:05

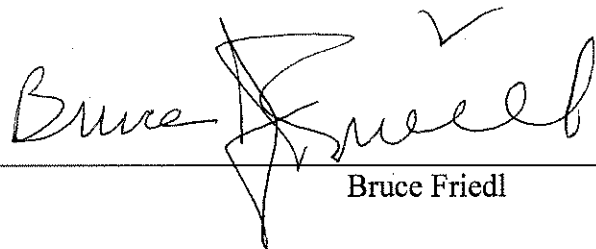


Air Quality Division
Public Hearing
Presiding Officer Certification

CERTIFICATION


I, Bruce Friedl, the designated Presiding Officer, do hereby certify that the public hearing held by the Arizona Department of Environmental Quality was conducted on August, 17, 2005, in the Arizona Department Of Environmental Quality, Conference Room 250, 1110 West Washington Street, Phoenix, Arizona 85007, in accordance with public notice requirements by publication in The Arizona Republic and Tribune dated July, 17, 2005 and, respectively. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above-referenced public hearing.

Dated this 17th day of August, 2005 ..


Bruce Friedl

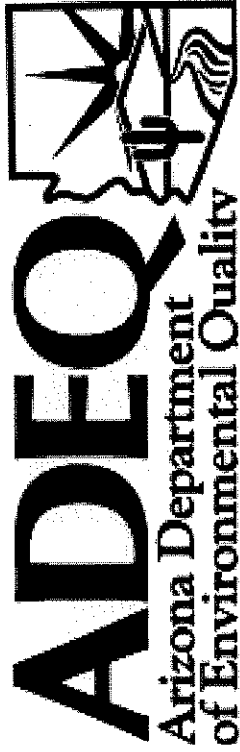
State of Arizona)
) ss.
County of Maricopa)

Subscribed and sworn to before me on this 17 day of August


Notary Public

My commission expires: 4/2/08





Air Quality Division Sign-In Sheet

Please Sign In

SUBJECT Proposed PM₁₀ State Implementation Plan for the Salt River Area

DATE August 17, 2005

| NAME | ORGANIZATION | PHONE | FAX | E-MAIL |
|----------------------|-----------------|--------------------------------------|-----------------|----------------------------|
| 1. Frank Mendola | CEMEX | 602-416-2684 | 602-231-8576 | frank.mendola@cemexusa.com |
| 2. Joe Gibbs | city of Phoenix | 602 534-1776 | 534-0795 | joe.gibbs@phoenix.gov |
| 3. Russell Groves | ARPA | " 871 0346 | 2336 | rustey@azrockproducts.org |
| 4. Kim Truesell | ARPA | 602 271-0346 (SALT RIVER SAND & RUN) | 602 265-0363 | steve@azrockproducts.org |
| 5. Anne Silver Smith | SRMB | 480-990-1987 | 480-941-7159 | SilverSmith@SRMB.com |
| 6. Amanda McGennis | AGC | 602-252-3926 | 602-252-5870 | amcgennis@azagc.org |
| 7. JEANNETTE FISH | MCFB | 602-437-1330 | 602 437-1380 | mcfb@msn.com |
| 8. Dene Knapke | metad | 602 506-4057 | | |



Air Quality Division Sign-In Sheet

Please Sign In

SUBJECT Proposed PM₁₀ State Implementation Plan for the Salt River Area

DATE August 17, 2005

| <u>NAME</u> | <u>ORGANIZATION</u> | <u>PHONE</u> | <u>FAX</u> | <u>E-MAIL</u> |
|---------------------|-----------------------|----------------|------------|------------------------------|
| 1. Angel Z Santiago | Pavestone Company | (602) 257-4588 | | Angel.Santiago@Pavestone.com |
| 2. Robert Konig | NAU | (928) 213-0821 | | rtk4@nau.vcc.nau.edu |
| 3. Kate Darby | Sierra Club | 602 253-9440 | | kate.darby@sierraclub.org |
| 4. Larry Stockdale | Superstition Crushing | 602 708 3039 | | LarryStockdale@Hotmail.com |
| 5. Lori ShaeB | Chew Systems | 602-381-8855 | | Crownphx@aol.com |
| 6. Jenny Zhou | COP | 602-756-1105 | | jenny.zhou@phoenix.gov |
| 7. Kathleen Sommer | ADOT | 602-712-7166 | | KSommer@azdot.gov |
| 8. Diane Hanna | COP/SAFETS | 602-534-6030 | | diane.hanna@phoenix.gov |



Air Quality Division Sign-In Sheet

Please Sign In

SUBJECT Proposed PM₁₀ State Implementation Plan for the Salt River Area

DATE August 17, 2005

| <u>NAME</u> | <u>ORGANIZATION</u> | <u>PHONE</u> | <u>FAX</u> | <u>E-MAIL</u> |
|-------------|---------------------|--------------|------------|---------------|
|-------------|---------------------|--------------|------------|---------------|

- | | | | | |
|-----------------------------|-----------------|-----------------------|-----------------------|-------------------------------|
| 1. <u>Andrew E. Coakell</u> | <u>ADEQ/AQD</u> | <u>602-771-2378</u> | <u>602-771-2366</u> | <u>aec@azdeg.gov</u> |
| 2. <u>Marvin J. Martin</u> | <u>ADEQ/AQD</u> | <u>(602) 771-489</u> | <u>(602) 771-2366</u> | <u>Martin.Martin@ADEQ.gov</u> |
| 3. <u>John Martinovic</u> | <u>ADSQ-HQ</u> | <u>(602) 771-2372</u> | <u>-2366</u> | <u>jam@azdeg.gov</u> |
| 4. <u>Eric D. Moseley</u> | <u>"</u> | <u>771-2365</u> | <u>"</u> | <u>tmd@azdeg.gov</u> |
| 5. <u>Randy Sedlacek</u> | <u>ADEQ/AQD</u> | <u>602-771-2352</u> | <u>602-771-2299</u> | <u>rtS@azdeg.gov</u> |
| 6. <u>Peter Hyde</u> | <u>ADQ</u> | <u>602 771-7642</u> | <u>"</u> | <u>pyh@azdeg.gov</u> |

7. _____

8. _____

1 ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
2
3
4 PUBLIC HEARING ON THE PROPOSED)
PM10 STATE IMPLEMENTATION PLAN)
5 FOR THE SALT RIVER AREA) PUBLIC HEARING
_____)
6
7
8
9

10 At: Phoenix, Arizona
11 Date: August 17, 2005
12 Filed:
13
14
15

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
17
18
19

20 ARIZONA REPORTING SERVICE, INC.
Court Reporting
Suite Three
21 2627 North Third Street
Phoenix, Arizona 85004-1126
22
23 By: CLARK L. EDWARDS, RPR
Prepared for: Certified Court Reporter
Certificate No. 50425
24 ADEQ
25

1 BE IT REMEMBERED that the above-entitled matter
2 came on to be heard before the Arizona Department of
3 Environmental Quality, at 1110 West Washington Street,
4 Conference Room 250, Phoenix, Arizona, commencing at 4:15
5 on the 17th of August, 2005.

6

7

BEFORE: BRUCE FRIEDL, PRESIDING OFFICER

8

9

APPEARANCES:

10

For the Arizona Department of Environmental Quality:

11

Mr. Bruce Friedl
Environmental Program Specialist
SIP and Program Development Unit

13

Mr. Ira Domsy
Deputy Director, Air Quality Division

14

Ms. Deborrah "Corky" Martinkovic
Air Quality Planning Unit Manager

15

16

Mr. Randy Sedlacek
Air Quality Assessments Unit Manager

17

Mr. Peter Hyde
Air Quality Assessments Unit Manager

18

19

Ms. Andrey "Bonnie" Cockrell
Environmental Program Specialist

20

21

22

23

24

25

1 HEARING OFFICER FRIEDL: Welcome everyone to the
2 public hearing on Arizona's Proposed Revised PM10 State
3 Implementation Plan for the Salt River Area and thank you
4 for your attendance today. The hearing is now open.

5 The date is Wednesday, August 17th, 2005, and
6 the time is 4:14 p.m. The location is Conference Room
7 250 of the Arizona Department of Environmental Quality at
8 1110 West Washington Street, Phoenix, Arizona 85007.

9 My name is Bruce Friedl and I am with the ADEQ
10 Air Quality Division. I have been appointed by the ADEQ
11 Director to conduct this hearing.

12 The subject of this hearing are updates to the
13 revised PM10 State Implementation Plan, or SIP, for the
14 Salt River Area originally submitted to EPA in 2004.

15 ADEQ Air Quality representatives in attendance
16 today are, to my right, Ira Domskey, Department Director
17 of the Air Quality Division; Debra "Corky" Martinkovic,
18 Air Quality Planning Unit Manager; Randy Sedlacek, Air
19 Quality Assessments Unit Manager; Peter Hyde, Air Quality
20 Assessments Unit Manager; Andrey Bonnie Cockrell,
21 Environmental Program Specialist.

22 If you plan to make a public comment on the
23 record, the procedure is straightforward. You may have
24 noticed that speaker slips are available over on the
25 sign-in table. And please complete a speaker slip and

1 hand the slip to me. Using speaker slips allows everyone
2 an opportunity to be heard and allows us to match the
3 comments with the name on the official record.

4 You may also submit written comments to me today
5 in person or you may submit comments by mail, e-mail, or
6 fax. Please submit all comments by the end of the
7 comment period, which is by the close of this public
8 hearing, being held on Wednesday, August 17, 2005.

9 If mailed, e-mailed, or faxed, written comments
10 must be postmarked no later than Wednesday, August 17th,
11 2005. Submit your written comments to:

12

13 A. Bonnie Cockrell
14 Air Quality Planning Section
15 Arizona Department of Environmental Quality
16 1110 West Washington Street, Third Floor
17 Phoenix, Arizona 85007
18 Phone: 602.771.2371
19 Fax: 602.771.2366
20 E-mail: cockrell.andrey@azdeq.gov.

21

22 State and federal law requires that comments
23 made during the formal comment period be considered by
24 ADEQ in the preparation of the final plan revision. This
25 is done through ADEQ's preparation of a responsiveness

1 summary, which will contain ADEQ's written responses to
2 all comments made during the formal comment period.

3 The agenda for this hearing is simple.

4 First, Ira Domsy will present a brief overview
5 of the background and content of the proposed plan
6 revisions.

7 Second, there will be a question and answer
8 period. The purpose of the question and answer period is
9 to provide information that may help you in making
10 comments on the plan revision.

11 Third, I will conduct an oral comment period.
12 At that time I'll call speakers in the order in which I
13 have received speaker slips.

14 Please be aware that any comments you make at
15 today's hearing that you want ADEQ to formally consider
16 must be given either on the record during the formal
17 comment period of this proceeding or in writing prior to
18 the close of the comment period which is the close of
19 today's hearing.

20 At this time Ira Domsy will give a brief
21 overview of EPA requirements affecting the Salt River
22 State Implementation Plan Revisions; history of the
23 development of the Salt River Plan; and overview of the
24 Plan timeline.

25 MR. DOMSKY: Thank you for attending everybody.

1 In July 1987, EPA redefined health standards
2 applicable to particulate matter air pollution,
3 regulating particulate matter 10 microns in diameter, or
4 smaller, referred to as PM10. EPA's 1987 standard
5 established 150 micrograms per cubic meter as the 24-hour
6 average health standard, and 50 micrograms per cubic
7 meter as the annual health standard, annual average.

8 The urban portion of Maricopa County,
9 approximately 2,800 square miles, was designated as a
10 moderate PM10 nonattainment area, by operation of law, on
11 November 15th, 1990, when the 1990 Amendments to the
12 Clean Air Act were enacted. EPA changed the
13 classification to a serious PM10 nonattainment area on
14 June 10th, 1996.

15 The subject of this plan is the "Salt River
16 Study Area," which encompasses approximately 32 square
17 miles within the nonattainment area. The Salt River
18 Study Area is bounded by 59th Avenue to the west; 10th
19 Street to the east; Van Buren Street to the north; and
20 Baseline Road to the south.

21 In May 1997, ADEQ submitted its Plan for
22 Attainment of the 24-hour average PM10 standard for the
23 Maricopa County PM10 Nonattainment Area to EPA. The
24 1997 plan included sufficient control measures to achieve
25 attainment of the PM10 health standard for the Salt River

1 area and other "microscale" areas within Maricopa County
2 Serious PM10 Nonattainment Area, by May 1998. On August
3 4th, 1997, EPA approved ADEQ's plan which is contained in
4 the Federal Register on that date.

5 On July 2nd, 2002, EPA found that the 1997 plan
6 was inadequate to obtain 24-hour average health standards
7 for PM10 at the Salt River monitoring site which at the
8 time was located near 21st Avenue and Lower Buckeye Road.

9 In addition, new monitoring sites at Maricopa
10 County Durango Complex measured several violations every
11 year. This required Arizona to submit a revision to
12 correct the plan deficiencies within 18 months, by
13 February 2nd, 2004.

14 Further, EPA required the control measures to be
15 applied throughout the nonattainment area because the
16 Salt River area is not unique with respect to land uses
17 and emission sources that occur in other locations
18 throughout the nonattainment area.

19 In February 2004, Arizona submitted the Salt
20 River PM10 State Implementation Plan Revision to begin to
21 address continued exceedances in the Salt River area.

22 In June 2004 another plan was submitted that
23 actually replaced the 2004 plan and complied with all of
24 EPA's requirements to be included in such a plan. The
25 plan provided a modeling demonstration showing attainment

1 of the 24-hour federal health standard in the area by
2 December 1st, 2006, or December 31st, 2006, excuse me,
3 and proposed economically and technologically feasible
4 PM10 control measures at the EPA-required stringency
5 level which is Best Available Control Measures, or BACM,
6 and Most Stringent Measures, or MSM.

7 Control measures in the Salt River SIP to reduce
8 emissions from Salt River significant sources include:

9 For Paved Road Sources, the enhanced enforcement
10 of Maricopa County Rule 310 which governs fugitive dust,
11 and Rule 316 which applies to "Non-Metallic Mineral
12 Processing" and enhanced commitments and protocols from
13 ADOT, Maricopa County Environmental Services Division,
14 now Air Quality, now Maricopa Air Quality Department, and
15 Maricopa County cities and towns to target
16 trackout-affected areas, increase street sweeping, and
17 increasing use of the advanced street-sweeping
18 technologies.

19 For Permitted Industrial Sources, enhancements
20 to Maricopa County Rules 316 which covers non-metallic
21 mineral processing, Rule 310.01 which applies to
22 "Fugitive Dust from Open Areas, Vacant Lots, Unpaved
23 Parking Lots, and Unpaved Roadways," and proposal of a
24 new Rule 325 addressing control of emissions from clay
25 and brick manufacturing industries.

1 Among the changes are: Establishment of visible
2 emission limits at the source property line,
3 establishment of industry property line set-back
4 requirements, stabilization of unpaved surfaces,
5 requirement of paving where feasible, requirement for
6 trackout prevention and clean-up, partial or full
7 enclosure of industrial operation areas such as using
8 tarps on stockpiles and other such controls, requirements
9 for baghouses on process units and transfer points, and
10 the use of spray or fog systems for other process
11 emissions.

12 For Windblown Area Sources, enhancements to
13 Maricopa County Rule 310.01 require vegetative cover,
14 trespass prevention and enforcement, the application of
15 dust suppressants, gravel, or other methods of
16 stabilization, or use of wind breaks.

17 The 2004 SIP commits to timely implementation
18 and control strategies in the Salt River Study Area and
19 throughout the Maricopa County Serious PM10 Nonattainment
20 Area and provides a demonstration of annual reasonable
21 further progress in the area through the 2006 attainment
22 deadline, and provides a demonstration that the plan
23 meets all PM10 nonattainment area requirements for
24 serious areas under the federal Clean Air Act.

25 For the purposes of today's hearing, updates to

1 the July 2004 SIP are included in this proposed SIP and
2 it's Technical Support Document and include editing of
3 the SIP and the TSD to insure concurrence between the new
4 documents, updating of tables, improvements in clarity
5 and details as were needed. This process did not involve
6 modifying the content, scope or character of the original
7 documents.

8 A little bit more detail for the Appendix A of
9 the SIP was updated to include ambient monitoring, air
10 quality monitoring data, summary tables for 2003 and
11 2004. Appendix B includes complete SIP submittal
12 documentation for all the Maricopa County rules with one
13 exception and that's just some documentation that's
14 missing for Rule 325.

15 Appendix D contains the resolutions of
16 commitments for reducing re-entrained dust emissions from
17 targeted roads and agreed upon by each of the
18 municipalities in the nonattainment areas.

19 Appendix E contains the 2004 PM10 Milestone
20 Report which identifies current BACM and MSM levels
21 reached as of May 2005 by municipalities and agencies
22 whom committed to the various control measures contained
23 in the plan.

24 Appendix F was revised to contain the Maricopa
25 County's Air Quality Inspection Prioritization Plan for

1 Vacant Lots and a Workload Analysis for Earthmoving and
2 their Vacant Lots Program.

3 Chapter 6 which covers Predicted Concentrations
4 and Controls applied for the year 2006 has been modified
5 in several sections explaining the predicted future of
6 quality, of how and why the base case 2006 emissions
7 could be put into the Industrial Source Complex model
8 with the same meteorology as the 2002 design dates.

9 These model predictions would reflect the best
10 estimates for future PM10 concentration predictions in
11 the Salt River PM10 Study Area without additional
12 controls. Of particular interest is whether predicted
13 air pollution concentrations are within the health
14 standards.

15 As the reader may see, given the control
16 measures described in Section 6.4, attainment can be
17 achieved for the eight exceedances in 2002 that have been
18 studied and applied within this analysis.

19 Several appendicies were revised and/or added to
20 the current technical support document which is also part
21 of the proposed plan revision.

22 Appendix R contains a Vacant Lot Survey that was
23 revised by the addition of new text to insure that there
24 were not many vacant lots in the Salt River PM10 study
25 area that were smaller than 1/10th acre since Rule 310.01

1 only applies to vacant lots larger than 1/10th of an
2 acre.

3 Appendix S which covers industrial area
4 emissions is a newly-added appendix. This provides
5 justification for use of the 2002 emissions and the 2006
6 case. It also presents a further rationale for
7 reductions and an analysis of the sensitivity of the
8 predicted concentrations to three levels of 2002
9 emissions.

10 It was developed to insure that Rule 316
11 contains reductions assumptions consistent with the final
12 Salt River plan.

13 It explains the defensibility of Maricopa
14 County's rule effectiveness study.

15 Table S-1 data shows that the throughout from
16 these industrial sources decreased from 2002 to 2006.

17 New Appendix T, potential control measures for
18 area sources for the Salt River PM10 SIP has been added
19 that describe what additional growth and other sources
20 might be expected in the coming years.

21 And New Appendix U covers unpaved road shoulder
22 emissions and serves as a technical reference for the
23 unpaved road shoulder section in Chapter 6 of the
24 technical support document.

25 That's fairly detailed but those are the changes

1 that were made since we submitted the plan in 2004.

2 PRESIDING OFFICER FRIEDL: I now open this
3 proceeding for questions and answers.

4 Does anybody have any questions?

5 MS. McGENNIS: Amanda McGennis, Associated
6 General Contractors. A technical question on the time.

7 Is it 5:00 p.m. today or is it midnight tonight?

8 PRESIDING OFFICER FRIEDL: To receive e-mail?
9 Hand-written comments, they should come by midnight
10 today.

11 Are there any other questions?

12 Yes, ma'am.

13 MS. KONOPKA: Dina Konopka, K-o-n-o-p-k-a.

14 So will this version of the SIP replace the June
15 2004 version in its entirety or is this a supplement to
16 that?

17 MR. DOMSKY: I will have to defer to Corky
18 Martinkovic.

19 MS. MARTINKOVIC: My understanding is this is
20 the supplement to the 2004, not a replacement.

21 MS. McGENNIS: The website has June 2005 on that
22 Technical Services Document. So I'm confused now too
23 because I printed -- I had to June 2004. June 2005 is
24 another 180 pages more than June 2004.

25 So which one is applicable?

1 MR. SEDLACEK: The latest version on the website
2 is the concrete replacement for the technical support
3 document.

4 PRESIDING OFFICER FRIEDL: In its entirety?

5 MR. SEDLACEK: In its entirety.

6 PRESIDING OFFICER FRIEDL: Are there any other
7 questions?

8 Okay. This concludes the question and answer
9 period of this proceeding on the proposed plan revision.

10 I now open this proceeding for oral comments.

11 Does anybody have a speaker slip for which they
12 might like to make a formal comment?

13 Seeing that no speaker slips have been received,
14 this concludes the oral comment of this proceeding, the
15 oral comment period of this proceeding.

16 I encourage everyone to submit written comments
17 on the proposed plan revision. Your participation is an
18 essential part of the plan revision process.

19 Thank you for attending. The time is now 4:34.
20 This public hearing is now closed.

21 Thank you everyone.

22 (Hearing adjourned at or about 4:34 p.m.)

23

24

25

1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)
4
5
6

7 I CLARK L. EDWARDS, Certified Reporter #50425
8 for the State of Arizona, do hereby certify that the
9 foregoing printed pages constitute a full, true and
10 accurate transcript of the proceedings had in the
11 foregoing matter, all done to the best of my skill and
12 ability.

13
14 WITNESS my hand this _____ day
15 of _____, 2005.
16
17
18
19

20 _____
21 CLARK L. EDWARDS
22 Certified Reporter
23 Certificate No. 50425
24
25

Attachment 3

PUBLIC COMMENTS AND RESPONSIVENESS SUMMARY



ARIZONA CHAPTER ASSOCIATED GENERAL CONTRACTORS
1825 West Adams • Phoenix, Arizona 85007 • (602) 252-3926 • Fax (602) 252-5870

Fax

To: Bonnie Cockrell From: AMANDA McGennis

Company: ADEQ Company: AGC

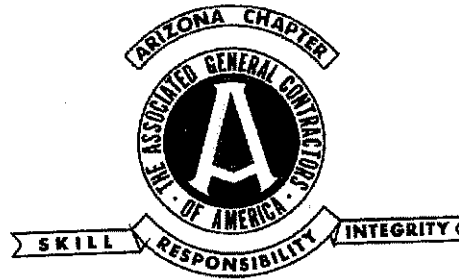
Fax: 712-771-2362 Date: 8-17-05

Phone: _____ Pages: 3

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: 6:00 pm

Here is AGC's comments



Building Arizona Since 1934

August 17, 2005

Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007
Attn: A. "Bonnie" Cockrell

Re: Proposed PM₁₀ State Implementation Plan for the Salt River Area

The Arizona Chapter Associated General Contractors (AGC) is a statewide organization representing highway/heavy contractors throughout Arizona since 1937. We appreciate the opportunity to provide formal comments pertaining to the effectiveness of control measures in the State Implementation Plan for the Salt River SIP Area.

AGC believes the revisions made to Rules 310 & 316 approved in 2004 and 2005 by the Maricopa County Board of Supervisors go above and beyond what is necessary to reduce emissions produced by construction and non metallic mineral processing activities within the Salt River area. Some of the requirements pertaining to water sources and application rates on project sites are excessive. Track out measures included in both rules endanger workers having to clean up in the public right of way and as shown in your tables in section 4 have only a minimal impact on emission reduction. We also question whether the intent of the enhanced enforcement of Maricopa County Air Quality field inspectors is truly particulate emission reduction. Field reports to AGC indicate possible violations to the opacity limit are viewed by the county inspectors; citations are taken back to the office written and sent only to be received weeks sometimes months later versus calling the issue to the attention of the responsible party. In the meantime the party in question continues to make the same mistake.

Subcontractors (Operators) are not being cited on the project. The permit holder should not be held responsible for the actions of subcontractor operators on the project site. On many occasions the permit holder has done everything in its power to educate, notify and provide the necessary items required to reduce or eliminate dust generation and yet we continue to have subcontractors who choose to ignore the Rule. Industry discussed this issue with the county at a number of stakeholder meetings and on April 07, 2005 the Maricopa County Board of Supervisors passed the motion to approve Rule 310 with the following amendment pertaining to subcontractors. "The Department shall work with the stakeholders to develop a Rule 310 program for subcontractors, considering options that include subcontractors permit, education and/or outreach programs." To date this process has not gotten off the ground.

*Page 2.**AGC**Salt River SIP Comments*

In closing, AGC believes there is still a lot that can be done with other entities to improve emission reduction aside from always targeting the construction industry. If emission reduction is the end result, other sources need to be regulated just as vehemently.

We want to thank ADEQ and the County for providing a forum where all interested parties can work together to develop effective regulations that contribute to improving the public health as well as maintaining economic development and opportunity for the Valley.



Amanda McGennis, Sr. Vice President
Associated General Contractors



**ARIZONA
ROCK
PRODUCTS
ASSOCIATION**

Following for your review are formal comments regarding the State Implementation Plan for the Phoenix Metropolitan Serious Nonattainment Area for course particular matter:

The Arizona Rock Products Association (ARPA) would like to thank the Arizona Department of Environmental Quality for the opportunity to submit formal comments in response to the State Implementation Plan, effectiveness of the control measures, and specifically the Final Maricopa County Rules that were committed to the SIP revision of late.

Initially, we would like to extend appreciation for the good faith the State and County has displayed by conducting a number of stakeholder workshops as the proposed rule revisions of 310 and 316 were developed. We share a mutual goal of fostering a regulatory structure that results in real environmental and public health benefits while maintaining a strong and vibrant base for economic development and opportunity. Further, coordinated efforts between the regulated community and the regulating agencies are necessary to eliminate rule ambiguity, compliance uncertainty, and enforcement errors. Joint efforts will also lead to the continued development of alternative approaches that facilitate compliance and protect environmental and public health.

Following are ARPA's general and specific comments to the revised Rules 310 and 316 as well as the process by which they were developed.

General Comments:

I. The Current Rulemaking Process must be Improved.

Because ARPA is firmly committed to the common goals of economic development and environmental protection, it has been fully involved in the stakeholder process since the idea of revising County Rules 310 and 316 were first discussed in the State's Salt River SIP stakeholder process and continuing on through the recent County workshops. Among other contributions, ARPA and its individual member companies have:

- Actively participated in a total of twelve formal and several informal meetings with the State and County.
- Responded with written comments on several occasions as a follow-up to the workshops.
- Maintained constant contact and communication with the State and County regarding the status of the Rule revisions.
- Provided technical comments to share our industry's unique knowledge on various technical issues.

- Conducted issue-specific tours of our facilities with EPA, State and County officials in order to better demonstrate our operations.

Rule 310:

The Maricopa County Board of Supervisors approved, on April 7, 2004, Maricopa County Rule 310 contingent upon resolution regarding subcontractor responsibility for dust violations, as reflected in the Board of Supervisor Meeting Minutes. ARPA maintains that operations cannot be held liable/responsible for the actions of independent truck operators off site. This provision is analogous to a law making operations liable for the offsite speeding tickets of independent drivers or a law making a grocery store liable when a customer throws a grocery bag along the roadway. Because the operations have no control of independent and contracted trucks once they leave the property, this provision is not only technically infeasible, it violates owner/operations' due process rights and is unlawful. We have not been informed of any action as of late and respectfully requests that the County take action on this issue.

Rule 316:

The final version of Rule 316 is one of the lengthiest and most complex ever proposed by the State and subsequently the County. Accordingly, the input of the regulated community is critical to developing an effective and workable rule. Unfortunately, despite ARPA's extensive efforts and good faith participation in the rulemaking meetings, many of our suggestions, proposed solutions and major concerns have been, for the most part, ignored.

During the process, the State and County did not communicate and issues that were worked out with the State were revisited in County stakeholder meetings. It is ARPA's recommendation that these agencies foster improved communication strategies to maximize meeting time productivity and efficiency.

It had been our understanding that only technically and economically feasible alternative control measures that satisfy the objective outlined in the SIP would be considered and incorporated into the final rule. As discussed in greater detail below, many of the measures in Rule 316 contain options that are not technically or economically feasible and pose implementation challenges from an administrative standpoint.

During the stakeholder process we provided concrete and abundant information demonstrating that many of the measures in the rule are not viable options and would under no circumstances be the option of choice. Several measures are cost-prohibitive. Many are technically infeasible because either they simply cannot be implemented or they would not result in meaningful emission reductions.

The County explains that they are only options, yet if incorporated in Rule 316 they will become most stringent measures (MSM) and best available control methods (BACM). The fact that there may currently be other feasible options available for a specific emission source or activity does not provide the regulatory agency with authorization to also include infeasible measures as "options." These infeasible measures could potentially become the only control measure offered in



another jurisdiction that must undergo a BACM and MSM analysis in the future. APRA represents companies that operate nationally and would be susceptible to these non-viable measures somewhere else.

Further, this process highlights a need not only for improved communication between the regulating agency and the affected community, but also between agencies as well. At the eleventh hour of the process, EPA Region IX reviewed the proposed rule, disregarded our concerns, and proposed additional measures just prior to the NPR without interfacing with us. This action left ARPA with no opportunity to comment or explain its substantial concerns. It is surprising and disappointing that the ARPA's valuable and unique understanding of its industry was disregarded during the final development of new requirements.

ARPA is particularly disappointed that the public was given no right to respond to the Region's ideas, especially since Region IX did not even attend or participate in this process until the final workshop on January 7, 2005. It is difficult to have a meaningful dialogue with EPA Region IX to discuss both sides' issues and concerns, when they do not participate in the workshops.

While some consensus changes were made during the lengthy workshop process, much of the exhaustive efforts between stakeholders and local government conducted in a number of the workshops ended fruitlessly when Region IX rejected the available control measures solicited from the public and developed from these workshops.

II. The NPR Violated the Arizona Administrative Procedures Act.

Again, this is one of the lengthiest and most complex rules ever proposed by Maricopa County. However, the County had not made a compelling case, legally, financially or technically, to justify why new measures should be employed, nor have they provided the industry with meaningful data that supports the cost effectiveness of a given measure in light of its overall ability to reduce emissions.

The Administrative Procedures Act applicable to the County requires the NPR to include a preamble with an Economic, Small Business, and Consumer Impact Statement. See A.R.S. §§ 49-471.04; 49-471.05; 41-1055. With respect to proposed Rule 316, among other things, the Impact Statement must provide a comprehensive economic and technical review of the candidate control measures.

The County had failed to produce this documentation.

"It is not consonant with the purpose of a rule-making proceeding to promulgate rules on the basis of inadequate data, or on data that, to a critical degree, is known only to the agency." *Portland Cement Association v. Ruckelshaus*, 486 F. 2d 375, 393 (D.C. Cir. 1973); *see also*, *Union Oil Co. of California v. Federal Power Commission*, 542 F. 2d 1036, 1041 (9th Cir. 1976).



In summary, the County's analysis of the Rule's costs is incomplete at best and the analysis of benefits was wholly absent during the stakeholder process. The economic information that has been submitted is insufficient, and carries burdensome financial ramifications.

Examples of the insufficient analysis are numerous:

1. On pages 21-24 of the NPR the County includes estimated costs of some of the recommended control technology associated with the implementation of Rule 316, including:

- Paving - \$350,000 per mile
- Rumble Grates - \$5,500 each installed (most properties would require two)
- Wheel Washers - \$60,000 each installed (most properties would require two)
- Stabilizers - \$16,107 per mile

These costs do not include:

- Water
- PM10 efficient sweeper rental or purchase
- Pneumatic control devices
- Training costs / man hours
- Geotextile material
- Maintenance of the additional control technology

2. The NPR also failed to identify the supposed benefits from various control technologies. For example, the NPR failed to identify the emission reductions expected from the imposition of various control technologies and also fails to calculate the expected reduction in emissions per dollar spent in control technology. Without this analysis, it is impossible to determine whether a candidate measure is effective at all, let alone cost-effective.
3. Page 17 of the NPR provides references to information and studies purportedly relevant to the NPR. Relevant studies and reports that ARPA submitted were not added to these citations and we question whether they were ever reviewed. Further, one document that did address emissions analysis and control measure efficiency, the "South Coast Air Quality Management District's Final Staff Report" included, according to a study performed by West Coast Environmental (WCE), overestimates in emissions factors. WCE found numerous significant errors in the emissions inventory, including:
 - Improper use of an industry emissions survey;
 - Incorrect selection of emission factors, including failure to use current EPA approved AP-42 Factors;



- Improper material moisture content assumptions;
- Application of control efficiencies across all emission units at all facilities rather than consideration of which facilities implement controls and what level of control can be achieved at each source area;
- Use of annual hours of operation rather than annual throughput;
- Incorrect selection of reporting units;
- Inconsistent application of assumptions and procedures from one facility as compared with others; and
- Incorrect or incomplete understanding of aggregate production operations within the District.

This document is being used by South Coast Air Quality Management District (South Coast) as well as Maricopa County to determine Emissions Inventory Analysis and that is of grave concern to the Rock Products Industry. The Emission Inventory Analysis prepared by West Coast Environmental was previously submitted to the County and is available upon request.

4. On page 21 of the NPR there is a reference to enclosed conveyors. We understand that they are no longer a consideration, but they never should have been considered when, as stated in the NPR, "have not been employed by any of the aggregate operations in the United States." MSM should be pertinent to a specific industry and not transposed from an unrelated industry. Enclosed conveyors should not be mentioned in the NPR.
5. On page 29 of the NPR the total emissions generated by industrial sources numbers are misleading for the following reasons:
 - the emissions are for all industrial sources.
 - the numbers were reported in 2002.
 - emissions control measures have vastly improved.
 - these numbers include high wind days for which the County should have received exemptions.
6. The NPR cites South Coast's adopted Rule 1157 (PM₁₀ Emission Reductions From Aggregate And Related Operations) dated December 3, 2004 as justification for numerous proposed requirements. South Coast adopted this rule on January 7, 2005. As you are aware, the California Mining Association (CMA) filed suit over South Coast's adoption of this rule on February 9, 2005.

Because South Coast's rule has been challenged in California Superior Court, the County cannot cite it as the justification for new County requirements. In fact, many of the reasons South Coast's rule has been challenged are reasons cited by ARPA as problems with the Rule. Fundamentally, both South Coast's challenged rule and Rule 316 contain requirements that are not technically or economically feasible. For example, as stated in the CMA's Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, the Rule 1157 Emissions Inventory



is based on unscientific, voluntary, and unverified surveys, resulting in an Emissions Inventory inflated by a factor of almost twenty (20)."

III. The County's Most Stringent Measures Analysis is Unlawful.

A. The Rule imposes requirements for several sources that are not subject to an MSM or BACM analysis.

As stated by the County in the NPR, Rule 316, "must include control strategies that meet the BACM test and the MSM test for significant sources and source categories." ARPA does not disagree with this statement.

ARPA disputes that the sources subject to proposed rule changes are significant sources. In particular, ARPA has submitted documentation demonstrating that storage piles, material handling, and transfer points are not significant sources of particulate matter.

Further, to the extent trackout and other fugitive dust sources are significant sources, these sources are already governed by Rule 310, which has already been deemed to meet MSM and BACM. Accordingly, revisions to the County's Rule 310 fugitive dust control requirements are duplicative and unnecessary. In fact, it is inappropriate and unlawful to revise Rule 310 requirements by incorporating additional restrictions on trackout and other fugitive dust sources in Rule 316.

As currently written, Rule 316, like the federal New Source Performance Standards, applies only to nonmetallic mineral mining process sources. Neither imposes requirements on sources such as storage piles, roads, and trackout.

It is irrelevant that other jurisdictions may include restrictions on fugitive sources in their rules for mining process sources. Maricopa County regulates process and fugitive dust sources separately, and the County does not need to revise fugitive dust regulations as incorporated in Rule 310. In fact, the County's proposal to include fugitive dust control requirements in both Rule 310 and Rule 316 would create a confusing and occasionally contradictory suite of requirements that will inevitably lead to compliance uncertainty and enforcement inconsistency.

Because an MSM and BACM analysis is not now required for these sources, the County's purported justification for many of the proposed requirements in the NPR is invalid. The NPR thus violates A.R.S. §49-112.

B. Measures identified in South Coast Rule 1157 are not MSM and/or BACM.

On February 9, 2005, the CMA filed suit regarding South Coast's adoption of Rule 1157. Until the CMA's judicial appeal has been fully and completely adjudicated, it is premature and unlawful for the County to assert that Rule 1157 requirements are BACM and MSM.

C. The County's definition of MSM is unlawful.



In addition to the County's unlawful application of MSM, ARPA disagrees with the County's definition of MSM, which is as follows:

MSM are the most stringent measures that are included in any state implementation plan, and/or that are being implemented in any state, *and/or* that are economically and technologically feasible for the nonattainment area in question [pg 2 of NPR (emphasis added)].

The County substitutes the words "and/or" and erroneously makes economic and technologic feasibility an option for MSM, not a requirement. In doing so, the County's definition of MSM contradicts the Clean Air Act, conflicts with EPA's own MSM definition, violates multiple state statutes, and in practical effect would force existing sources to implement Lowest Achievable Emissions Rate (LAER)-type controls that should only be applicable in accordance with new source review in non-attainment areas.

According to EPA, most stringent measures are "the maximum degree of emission reduction that has been required or achieved from a source or source category in other SIPs or in practice in other states and can feasibly be implemented in the area." 65 FR 19968 (emphasis added).

As EPA stated in its final approval of the Maricopa County Serious Area Attainment Plan:

Comment: Under our policy on MSM, a state may reject a measure as infeasible for the area on economic grounds. See 24-hour standard proposal at 50283. ACLPI disagrees that a state can take economic considerations into account when determining the feasibility of MSM for the purposes of the MSM demonstration required under section 188(e). ACLPI argues that the Act only allows for the rejections of an MSM if it cannot feasibly be implemented in the area and any measure that is included in another SIP or achieved in practice in another state is by definition economically feasible because it is capable of being done or carried out if sufficient resources are devoted to it. ACLPI also argues that only its interpretation of MSM fits within the Act's strategy of offsetting longer attainment time frames with more stringent control requirements and that by allowing for the rejection of MSM based on cost, EPA has made MSM virtually indistinguishable from BACM.

Response: We believe that Congress very clearly intended that the phrase "feasible in an area" in section 188(e) to include economic considerations. Section 188(e) lists five criteria that we may consider in determining whether to grant an extension and the length of an extension, the last of which is "the technological and economic feasibility of various control measures." Emphasis added. The term "various control measures" clearly refers back, in part, to the requirement in the first part of section 188(e) that contains the requirement that



the plan include "the most stringent measures that can feasibly be implemented in the area."

By allowing us to consider the economic feasibility of measures in judging whether to grant an extension and how long an extension to grant, Congress necessarily also allowed states to consider economic feasibility in demonstrating the need for an extension of a given length. If section 188(e) compelled states to adopt all MSM that were technologically feasible no matter their cost, then there would be no economic feasibility issues for us to review in exercising our discretion to grant an extension. ACLPI's position would read the very explicit criterion -- the technological and economic feasibility of various control measures -- out of section 188(e). A statute should not be interpreted to render any provision of that statute meaningless. See *Northwest Forest & Resource v. Glickman*, 82 F.3d 825, 834 (9th Cir. 1996). See also *Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1067 (1995) (no Act of Congress should "be read as a series of unrelated and isolated provisions."); *Department of Revenue of Oregon v. ACF Industries*, 114 S. Ct. 843, 848 (1994) ("a statute should be interpreted so as not to render one part inoperative") (quotation omitted). [67 FR 48723 (quotations, citations, and emphasis as in original)].

Accordingly, the County must consider both economic and technical feasibility when identifying MSM. It is not enough to simply include a measure used in another jurisdiction without conducting a Maricopa County-specific economic and technical feasibility analysis.

The reasons Arizona law requires a Maricopa County-specific analysis are simple and straightforward. First, there is no guarantee that other jurisdictions conducted the analyses required by Arizona law when they adopted various requirements. The County's own attempt to include infeasible controls as options in the NPR demonstrates that a jurisdiction might include requirements that are neither economically nor technically feasible. Second, a fundamental tenet of due process requires that affected members of the public be provided a meaningful opportunity to comment on proposed rules. ARPA's and its members' due process rights are simply not upheld by another jurisdictions' rulemaking process.

By failing to conduct an analysis of the economic and technologic feasibility of proposed measures, the proposed rule violates the following list of statutes, preambles, and SIPs (list not exhaustive):

- *CAA §188(e)*: Statute requires the State to demonstrate that "the plan for that area includes the most stringent measures that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area."
- *67 FR 48723*: discussed above.
- *A.R.S. §41-1055*: Statute requires Impact Statement that includes, "[t]he probable costs and benefits to businesses directly affected by the proposed rule making."
- *A.R.S. §49-112*: Statute requires "credible evidence that the rule, ordinance or other regulation is ... [n]ecessary to prevent a significant threat to public health or



the environment that results from peculiar local condition and is technically and economically feasible” or required by federal statute.

- *A.R.S. §49-471.05*: Statute requires that rule preamble include “economic, small business and consumer impact statement.”
- *Final Revised State Implementation Plan for the Salt River Area*: Plan defines MSM as “the most stringent measures included in any state implementation plan, or being implemented in any state, that are economically and technologically feasible for the nonattainment area in question.”

As discussed above in Section II (concerning APA Violations), the NPR failed to provide a sufficient analysis of the economic and technological feasibility of proposed control measures. Adoption of the rule without this analysis would be unlawful.

If the CMA is successful in overturning Rule 1157 what will ADEQ and the County do to revise the SIP?

IV. The Rule cannot include proposals found in South Coast’s final proposed Rule 1157.

The purported justification for many of the proposed requirements in Rule 316 is South Coast’s final proposed Rule 1157 dated December 3, 2004. The CMA filed suit over South Coast’s adoption of this rule on February 9, 2005. Therefore, we contest that the current SIP would be indefensible given the current lawsuit in California.

As stated above, pursuant to A.R.S. §49-112, MSM and BACM requirements, and the Arizona Administrative Procedures Act, the County cannot cite a challenged law as the justification for new County requirements.

In fact, many of the reasons South Coast’s rule has been challenged are reasons cited by ARPA as problems with Rule 316. Fundamentally, both South Coast’s challenged rule and the NPR contain requirements that are not technically or economically feasible.

Because adoption of provisions drawn from South Coast’s Rule 1157 would violate numerous statutory and regulatory provisions, The County cannot include those measures in Rule 316.

V. The Rule Should Provide Opportunity for the Development and Implementation of Equivalent and Superior Control Measures.

The rock products industry has serious reservations about Rule 316, which as written, regulates every phase of the industry. It has metamorphosed from a rule imposing emissions limitations to a rule that prescribes the specific control measures that must be implemented without taking into consideration the countless conditions that come into play. Many of the measures in Rule 316 are arbitrary and far too prescriptive.



As discussed above, this panacea approach will be problematic for our industry from a technical and economic standpoint. Some of the measures in the Rule are onerous and do not take into account the complexities of the rock products industry that would limit flexibility within individual operations and make compliance difficult to achieve. Further, the mandated control measures in this document have been taken from around the country and do not take into account the differences in the industry on a regional basis. Some measures are simply infeasible regardless of location.

Rule 316 not only imposes certain measures without consideration of local factors and economic and technical feasibility, but also stifles future control measure innovations because it provides little opportunity for the regulated community to develop new control technologies.

ARPA is requesting fair and legal administrative review of alternative emission control option. This approach would provide benefits to all because it would foster control technology innovation by allowing regulated companies to develop and implement improved control measures that address the specific and unique conditions they face.

Including a provision in the Rule that includes allowances for alternative measures that achieve equivalent or better emissions control would provide operations with the opportunity to demonstrate why a control measure is not possible, applicable or effective in a specific situation and make a showing of an equivalent or better alternative that would meet the requirements of the rule. The industry would not be asking for a different standard, but rather the ability to employ equivalent measures to meet the same requirements.

The rule does contain specific citations where authority to accept alternative approaches is granted to the residing control officer or administrator of the EPA. Recently revised AAC R18-2-702 and Rule 310 provide similar flexibility. ARPA would like this option specifically identified as being applicable throughout the rule rather than just in the specified citations. It stands to reason that the EPA, State and County would encourage innovative control measures that go beyond the industry standard. ARPA is requesting that these decisions be made on a case-by-case basis and is left to the discretion of the Control Officer and be included in the Dust Control Plans.

Specific Comments Regarding County Rule 316 in Its Current Form:

Section 303.2.d.(4)&(5) – We requested the words “no visible emissions” be stricken. As written, this suggests that this area of the facility has a different opacity standard from the rest of the operation. “No emissions” implies that an enforcement action will take place if any visible emissions occur. ARPA understands that there is a 20% opacity standard on all fugitive emissions. Further, the County has not shown that a “no visible emissions” requirement is technically feasible.

Section 306.3.c.(1).(a) – All proposed control measures must be technically and economically feasible. ARPA still maintains that ceasing operations during a high-wind event is not an economically viable option for facilities and should not be in the rule, especially if the



necessary stabilization requirements are met. Arizona Department of Transportation contracts, and those of municipalities, impose steep penalties if materials are not timely provided, are just one example of why we cannot cease production.

Building code requirements as outlined in the CMA's lawsuit and incorporated by reference herein provide another example of the economic infeasibility of this provision. The NPR fails to consider these costs associated with shutdowns and demonstrate how this would be economically feasible.

Section 307.5. b & c – Once again, ARPA would like to see an enforcement initiative from the County to address the issue of independents and contracted trucks that are out of compliance off-site. In addition, ARPA maintains the operations cannot be held liable/responsible for the actions of independents off site. Because the operations have no control of independent and contracted trucks once they leave the property, this provision is not only technically infeasible, it violates operations' due process rights and is unlawful. Based on the December 2004 meeting, ARPA was expecting to receive a formal statement from the County on this issue. To date ARPA has not yet to receive this communication. At a minimum, "of a facility" should be taken out of Section 307.6.d and replaced with "of the haul truck." As stated earlier, the County Board of Supervisors passed Rule 310 contingent upon resolution on this issue.

Section 307.6.a – We have not seen any evidence that a wheel washer is effective in preventing trackout. Some sites, such as ready-mix and asphalt plants, do not even have the room to put in wheel washers, making this option technically infeasible. ARPA maintains that wheel washers do not reduce emissions proportionate to the costs involved in employing them. ARPA therefore requests to see the County's technical and economic analysis that supports the reasoning behind this option. In addition, introducing water to dirt only further exacerbates the trackout problem.

During a January 7, 2005, conference call with the EPA, a member of the agency explained that a wheel washer was necessary because rumble grates become loaded with material as a result of heavy traffic and therefore are ineffective. The County agreed with ARPA that a rumble grate would be sufficient if freeboard is maintained rather than add an additional control measure as a backup. It was our understanding from the workshop that an option to maintain the rumble grates would be addressed in the Dust Control and Operations and Maintenance Plan language, but no subsequent change was made.

ARPA requested an option in the Rule that specifically allowed facilities to use rumble grates on the condition that 3" of freeboard is maintained on all rumble grates. ARPA contends that industry should choose what technology, in what combination, is acceptable to address trackout control. No changes were made.

Section 307.6(b)4 – Where it states, "in accordance with all of the following the word "all" should be stricken.

Section 307.6.d – ARPA is concerned about 25 feet for cumulative trackout and while we understand this comes from South Coast Rule 403, we would like to know where this



arbitrary number came from and would like to see the required technical and economic analysis conducted specifically for Rule 316. The Rock Products Association is not aware of any data that supports this position and the citations in the NPR do not provide any clarification on this issue. ARPA feels its members are being set up to fail. We request the County recognize that "shadow tracking" or film on the roads should not be confused with excessive silt loading caused by spillage or the accumulation of mud on tires. We should not be penalized for aesthetics.

Section 307.6.e – The County has not provided technical or economic support for this provision. ARPA would like the County to take into consideration our concerns regarding sweeper availability, efficiency, safety, and frequency challenges, not to mention the onerous economic ramifications. While we recognize the importance of reasonable response time for sweeping, there are numerous variables that could influence our ability to do so. ARPA does not want to see a company receive an NOV when all reasonable actions have been taken to address a problem. Enforcement of silt loading on paved internal roads and areas accessible to the public should be based on the severity of the problem and not the frequency by which a road is swept. The Air Quality Management District's Final Staff Report does not recognize the frequency of existing sweeping, nor does it evaluate control efficiency as a function of frequency.

ARPA requested that the option of flushing paved surfaces with water as an option over sweeping internal haul roads be added. It provides adequate control equivalency and at the very least would allow us to remain in compliance in the event a sweeper is not available. In the WCE Emissions Inventory Analysis it states that, "Many facilities use water on paved areas to wash away fines. SCAQMD asserts that this method will result in only 60% control and that sweeping is 75%. There is no cost effectiveness evaluation showing that 15% more control is cost effective."

ARPA also questions the availability of South Coast Air Quality Management Rule 1186-certified sweepers. As currently written, if such sweepers are not available, a new operation would be unable to operate. The NPR failed to identify current suppliers for this equipment or costs associated with the equipment. Accordingly, the NPR failed to provide the required technical or economic showing required for this condition.

Section 307.8 (c) – Spillage occurs at several points around a given plant site and it is not considered a significant source of emissions. ARPA therefore feels it is unreasonable to require small dirt piles, which are on stabilized dirt to begin with, to be treated with suppressants, cleaned up immediately or stabilized unless there is an emission problem that needs to be addressed. Accordingly, Part C does not appear to be specific to paved surfaces and should be qualified or removed.

Section 308 & 401.4 – ARPA would like to see the certification take place for the technician no sooner than every three years and would like to couple the training with a smoke school. Because there is no training currently available, will the appointed control technician be able to be in compliance by October 31, 2005?

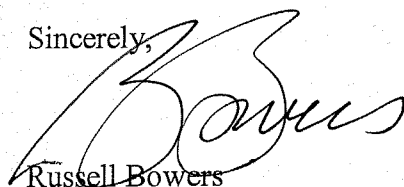
ARPA is very concerned that the current compliance schedule is too ambitious and would require flexibility due to control device availability, associated costs, and implementation



challenges. ARPA respectfully requests that the State and County work with industry and exercise their administrative decision making authority to extend the compliance date.

We once again extend our thanks for the opportunity to comment and hope that our comments signal the legal weaknesses of the components of the SIP package mentioned.

Sincerely,

A handwritten signature in black ink, appearing to read "Bowers", written over the printed name.

Russell Bowers
Executive Director



112687



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| From: | Steve Trussell |
| Company: | ARPA |
| Date: | 8-17-05 |
| Re: | |
| Cc: | |
| # Pages: | 14 w/ cover page |

Message: 8-18-05 THIS NOTE IS ADDED & AFFIXED TO
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(ADEQ/AGD).

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**Maricopa County Air Quality Department Comments on
the June 2005, Proposed Revised PM10 State Implementation Plan.**

PROPOSED Revised PM10 State Implementation Plan

Comment 1:

Appendix B contains a state implementation plan (SIP) revision package for amendments to Maricopa County Rule 310, Appendix C, and Appendix F. This SIP revision package primarily addresses and fulfills Maricopa County SIP commitments contained in the February 2000, Revised MAG 1999 Serious Area Particulate Plan for PM10 for the Maricopa County Nonattainment Area. The SIP revision package needs to be submitted to EPA for their consideration; however, it is confusing to include it as an appendix in the Revised PM10 SIP for the Salt River Area. Since ADEQ and EPA have concluded that Rule 310 meets BACM and MSM requirements, Maricopa County recommends that the SIP revision package for Rule 310, Appendix C, and Appendix F be removed from Appendix B and be submitted to EPA under a separate cover. Rule 310 could be included in Appendix B, in place of the entire SIP revision package.

Comment 2:

Page 30, Section 4.3.3 Windblown Construction, paragraph 3:

"The third analysis will focus on increasing inspection for compliance with Maricopa County Rule 316 ("Non-metallic Mineral Mining and Processing") to four times per year. The workload analysis will also address proposed enforcement for Maricopa County's proposed Rule 325, which will provide PM10 controls for structural clay and brick manufacturers."

This paragraph does not pertain to windblown construction; it pertains to permitted industrial source controls measures. The paragraph should be moved to the industrial source control section of the SIP document and revised as follows to be consistent with Maricopa County's commitments: "Maricopa County evaluated the workload for nonmetallic mineral processing facilities with the increased inspection frequency (four times per year beginning July 1, 2005) and increased fees accordingly, effective July 1, 2005."

Comment 3:

Page 29, Section 4.3.3 Area Source Control Measures, Windblown Construction, Potential Control Measures, paragraph 3: the text (shown in italics below) in paragraph 3 and 4 describes past, completed Rule 310 activities and it is confusing to include this information under "potential" control measures. Please move the text from the windblown construction "potential control measures" section to the windblown construction "background" section.

"In 2003, the U.S. Environmental Protection Agency (US EPA) conditionally approved Rule 310 as BACM contingent upon the completion of 3 commitments by MCESD: 1) research and develop standards and test methods for earthmoving sources that are

enforceable and meet BACM requirements on stringency and source coverage; 2) incorporate additional requirements for dust suppression practices/equipment for construction activities into dust control plans and/or Rule 310; and 3) revise sample daily recordkeeping logs for new and renewed Rule 310 permits to be consistent with rule revisions and to provide sufficient detail documenting the implementation of dust control measures required by Rule 310 and the dust control plan. MCESD met the first commitment by amending Appendix C of the MCESD Air Pollution Control Regulations which outlines test methods used for fugitive dust observations. MCESD established test methods for non-continuous and continuous plumes from dust generating operations. To meet the second commitment, MCESD revised dust control permit applications to more clearly request the information that is required in order to evaluate chosen control measures.

MCESD met the final commitment by revising sample record keeping logs and making them widely available to regulated sources and the public. MCESD also clarified the recordkeeping requirements listed in Rule 310, Section 500, to reflect the changes to the sample forms. On April 7, 2004, the Maricopa County Board of Supervisors adopted the required enhancements to Rule 310."

Comment 4:

Page 29, Section 4.3.3 Area Source Control Measures, Windblown Construction, Rule Compliance/Test Methods/Record Keeping: The text beginning in paragraph 6 (shown in italics below) describes Maricopa County's control measure to better enforce Rule 310 and should be moved from the windblown construction "Rule Compliance/Test Methods/Record Keeping" section to the windblown construction "Potential Control Measures" section.

"A critical aspect of strengthening enforcement of the Rule 310 control measures listed above is the hiring of additional inspectors for the program (this includes resources for the enforcement of Rules 310.01 for open areas and vacant lots and Rule 316 pertaining to industrial sources). In 1998, MCESD had four inspectors, one supervisor, and one enforcement officer on staff to enforce 1,700 earthmoving permits. In 2000, MCESD increased the number of personnel working on Rule 310 ("Fugitive Dust") compliance to eight inspectors, one supervisor, one coordinator, two enforcement officers, one aide, and one County attorney. In 2000, MCESD was responsible for 2,500 earthmoving permits.

Currently, MCESD is responsible for 4,150 earthmoving permits. Appendix B contains a copy of MCESD Rule 310, 310.01, 316, and 325 as adopted by the Maricopa Board of Supervisors.

The Maricopa County Air Quality (MCAQ) Department (formerly MCESD) has completed the workload analyses, entitled "Workload Analyses for Earth Moving and Vacant Lots Program" which is included in Appendix F. The first analysis will focus on three to five inspections per year at earthmoving sites ten acres or larger in size and one inspection per year at smaller sites for compliance with Maricopa County Rule 310. The

second analysis will focus on inspections of 5,300 vacant lots per year, which constitutes 20 percent of the 26,446 vacant lots identified as of October 2003, for compliance with Maricopa County Rule 310.01 ("Fugitive Dust from Open Area, Vacant Lots, Unpaved Parking Lots, and Unpaved Roadways"). Included in Appendix F is a copy of the Maricopa County's Air Quality's Inspection Prioritization Plan for Vacant Lots.

These analyses are expected to result in identification of the number of additional personnel and salaries/fringe benefits totals necessary for an effective enforcement effort to attain the PM10 standard. Interim funding to enable accelerated hiring of some additional personnel was also explored and identified. A resolution committing Maricopa County to a funding mechanism and specified number of enforcement positions to be added and filled in 2004-2005 was presented to the Maricopa County Board of Supervisors for adoption and is included in Appendix D. Following adoption of the resolution, Maricopa County will hire additional personnel in the October 2004 through September 2005 timeframe. In the interim, Maricopa County will revise fees through revisions to Maricopa County Rule 280 to fund the additional positions. MCESD held an initial public workshop on fees and will bring this rule to the Maricopa County Board of Supervisors for adoption in the first half of 2005."

Comment 5:

Page 30, Section 4.3.3 Area Source Control Measures, Windblown Construction, Rule Compliance/Test Methods/Record Keeping, last two sentences:

"In the interim, Maricopa County will revise fees through revisions to Maricopa County Rule 280 to fund the additional positions. MCESD held an initial public workshop on fees and will bring this rule to the Maricopa County Board of Supervisors for adoption in the first half of 2005."

Revisions to Rule 280 were adopted by the Maricopa County Board of Supervisors on May 18, 2005. Please update this section accordingly.

Technical Support Document

Comment 6: Technical Support Document, Appendix T: MCAQD emailed the Potential Control Measures document to ADEQ on May 24, 2005; however, the original date of the document was November 17, 2003. Please revise the date in the title to reflect the original document date.

RESPONSIVENESS SUMMARY

The Revised PM₁₀ State Implementation Plan for the Salt River Area,
A Revision to the Arizona Department of Environmental Quality's (ADEQ's) Plan for Attainment of
the 24-Hour PM₁₀ Standard – Maricopa County PM₁₀ Nonattainment Area (September 2004
Supplement)

Summary of ADEQ Responses to Comments on the Proposed Revision,
Received by 11:59 p.m., Wednesday, August 17, 2005

The public hearing on the revision to ADEQ's Plan for Attainment of the 24-Hour PM₁₀ Standard – Maricopa County PM₁₀ Nonattainment Area were held at 4:00 p.m., on Wednesday, August 17, 2005, at Arizona Department of Environmental Quality (ADEQ), 1110 West Washington Street, Phoenix, Arizona 85007, in Conference Room 250. The public comment period closed at midnight, on Wednesday, August 17, 2005. Summaries of written comments on the Revised PM₁₀ State Implementation Plan for the Salt River Area (SIP) that were received within the public comment period and a summary of ADEQ's responses follow. The following summary has attempted to identify and combine similar comments for ease of response. Please note that all page number references are to SIP and Technical Support Document (TSD), as the documents appeared on the ADEQ website, at: <http://www.azdeq.gov/environ/air/plan/index.html>

1. **Issue:** Commenter submitted twenty-five different comments; all relating to Maricopa County Rule 310 and/or Maricopa County Rule 316.

ADEQ: Responses to each of the comments are contained in the attached Rule 316 Responsiveness Summary, which appears as Item 11 in Appendix 2 of the document prepared by Maricopa County in the Rule 316 Rulemaking process. These documents demonstrate compliance with applicable administrative procedures. Objections to the County adopted rules can be made through procedures that apply to county rulemaking.

2. **Issue:** Commenter expressed concern whether other emission sources were regulated “as vehemently as the construction industry.”

ADEQ: Section 4.3.2 Significant Source Categories of the SIP identifies the source categories exceeding the significance threshold of 5µg/m³. They are:

- *Area Sources*
 - Windblown emissions from construction, agriculture, open areas and vacant lots, and the Salt River alluvial channel;
- *Permitted Industrial Sources*
 - Emissions from industrial point sources, industrial area sources, windblown cleared areas, and stockpiles; and
 - On-Road Mobile Sources

Section 6.1 Emission Changes Between 2005 and 2006 and their Air Quality Consequences indicates emission reductions will be required from enhanced controls to be placed on the following five kinds of dust-producing activities:

- Earthmoving and related activities associated with residential and commercial construction;
- Industrial activity that is chiefly materials handling and transport, with haul roads, pile forming and material transfer being the principal sources;
- Vehicular traffic on paved roads, principally the re-entrained dust that vehicles generate, which can be reduced through increased street sweeping;

- Track-out onto paved roads from a variety of sources, which adds to the re-entrained dust from the nominally clean roads; and
- Windblown dust from areas such as alluvial surfaces, vacant lots, miscellaneous disturbed areas, industrial stockpiles, and industrial sites.

3. **Issue:** Commenter suggests that Appendix B not include the complete SIP revision package for the Maricopa County Rule 310.

ADEQ: 40 CFR Part 51 Appendix V requires that the entire rule package be submitted with the SIP.

Typographical/Editorial Comments/Correction

1. **Issue:** Commenter suggests that paragraph 3 of Section 4.3.3, on page 30, did not pertain to windblown construction but pertained to permitted industrial source control measures and should be moved to the industrial source control section of the SIP document and revised as follows to be consistent with Maricopa County's commitments.

Remove: *"The third analysis will focus on increasing inspection for compliance with Maricopa County Rule 316 ("Non-metallic Mineral Mining and Processing") to four times per year. The workload analysis will also address proposed enforcement for Maricopa County's proposed Rule 325, which will provide PM10 controls for structural clay and brick manufacturers."*

Substitute Language: *Maricopa County evaluated the workload for nonmetallic mineral processing facilities with the increased inspection frequency (four times per year beginning July 1, 2005) and increased fees accordingly, effective July 1, 2005,"* should be moved to the Background section of the Stack and Process Related Emissions section of 4.3.4 – Permitted Industrial Source Control Measures.

ADEQ: ADEQ has made the recommended changes.

2. **Issue:** Commenter suggests that the text in paragraph 3 and 4 Section 4.3.3 – Area Source Control Measures, Windblown Construction, Potential Control Measures, describes past completed Rule 310 activities and it is confusing to include this information under "potential" control measures. Commenter recommends moving the text from the windblown construction "potential control measures" section to the windblown construction "background" section.

ADEQ: ADEQ concurs with this recommended move. The language was moved from the Potential Control Measures section to the Background section of Section 4.3.3 – Area Source Control Measures, Windblown Construction.

3. **Issue:** Commenter suggests that the text beginning with *"A critical aspect of strengthening....through Rule 280 becomes effective on July 1, 2005"*, which include paragraphs 1 through 4 of Section 4.3.3 – Area Source Control Measures, Windblown Construction, Rule Compliance/Test Methods/Record Keeping should be moved to the windblown construction "Potential Control Measures" section because it describes Maricopa County's control measure to better enforce Rule 310.

ADEQ: ADEQ does not concur with this recommended move.

4. **Issue:** Commenter suggests the last two sentences of Section 4.3.3 on Page 30 be updated to reflect that Revisions to Rule 280 were adopted by the Maricopa County Board of Supervisors on May 18, 2005.

ADEQ: Section 4.3.3 has been updated accordingly.

5. **Issue:** Technical Support Document, Appendix T: Commenter e-mailed the Potential Control Measures document to ADEQ on May 24, 2005; however, the original date of the document was November 17, 2003. Commenter suggests revising the date in the title to reflect the original document date.

ADEQ: ADEQ has revised the title of the Potential Control Measures document, contained in Appendix T of the Salt River PM₁₀ Technical Support Document, to reflect the original document date – November 17, 2003.

6. **Issue:** Commenter noted that while Appendix B contains a clean copy of Maricopa County Rule 310.01 and Rule 316, it lacks supporting materials generally associated with rule submittals (e.g., the notice of final rulemaking, documentation of public noticing, etc...) which are needed for a completeness determination.

ADEQ: ADEQ has now included complete documentation of each rule with the final submittal of the SIP.

7. **Issue:** Commenter suggests revisions to Appendix E, containing the 2004 Milestone report, identifying the level of commitment implementation, to fully reflect all implementation measures.

ADEQ: The 1999-2004 Implemented PM₁₀ MSM/BACM table of Appendix E of the SIP has been edited to include the totals as submitted to ADEQ by the City of Phoenix prior to submittal to EPA.

8. **Issue:** Plan, pg. 77: The Section titled "BACM and MSM Implementation Schedule" is outdated and should be revised to reflect the new submittal date of the plan to EPA, adoption dates of Maricopa County rules incorporated into the plan, anticipated adoption/submittal dates for Rule 325 and Maricopa County's Dust Control Permit Application and Guidance, and adoption date of the City of Phoenix Resolution 20114.

ADEQ: MCESD provided an updated rulemaking schedule, and ADEQ has substituted it to replace the previous schedule found on Page 77 of the SIP.

The City of Phoenix adopted Resolution 20114 on June 16, 2004. A copy of the adopted resolution and related document is included in Appendix D under the Phoenix resolution section of the SIP.

9. **Issue:** Plan, pg. 72 (first sentence on page): Commenter suggests this sentence should be consistent with Maricopa County's workload analysis included in the plan and the resulting number of additional inspectors Maricopa County has committed to hire (22).

ADEQ: Both "*Windblown Construction and Windblown – Open Areas, Vacant Lots, and Alluvial Channel*" section of Section 4.3.6 – Summary of Selected Control Measures have been editorially revised to be consistent with the Maricopa County workload analysis.

10. Issue: Plan, pgs. 70-71: Commenter states that the text concerning city/county protocols for enhanced street sweeping is outdated and should reflect that the city/county protocols have been adopted.

ADEQ: The *Control Measure for Reentrained Dust Emissions from Targeted Paved Roads* of Section 4.3.5, On-road Mobile Source Control Measures, on pages 70-71, has been updated to reflect implementation of the protocol.

11. Issue: Appendix D: Commenter states that this Appendix contains a summary of the city/county adopted resolutions concerning a new protocol for enhanced street sweeping (in addition to a 2004 PM-10 Milestone Report summarizing city/county progress). The actual city/county adopted resolutions and associated protocols should be included in the Salt River Plan submittal in order to be approved into the SIP as enforceable commitments.

ADEQ: Appendix D contains both a summary table and a complete photo document format (PDF) scanned copy of each adopted/approved resolution as submitted to ADEQ since the last SIP submittal.

12. Issue: [June 16 TSD] Chapter 6, pg. 14: Commenter suggests that the new text explaining the 90% control efficiency (CE) factor for vacant lots should be moved to the "Wind Erosion - Vacant Lots" subsection and revised to address control assumptions as opposed to assumptions used in the baseline emissions inventory. For example, if watering/dust suppression of disturbed vacant lots is expected to produce additional vegetation resulting in a 90% control efficiency factor, this should be explained.

ADEQ: ADEQ does not concur with this recommended move or revision.